



## Turkey

- Population: 75.8 million
- GDP per capita (in US dollars): 10,515
- Parliamentary government
- Human Development Index: 0.761 (72<sup>nd</sup> rank among 187 countries)
- Gender Inequality Index: 0.359 (71<sup>st</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 42 on a scale from 0 (highly corrupt) to 100 (very clean)
- Current candidate for admission to the European Union
  
- 3,000 licensed prostituted persons are officially recognized, working from 56 licensed brothels. It is estimated that there are at least 100,000 unlicensed prostituted persons, working illegally, half of whom of foreign origin (*Fondation Scelles*, 2012).
- Turkey is a regulationist country in terms of prostitution: prostitution is legal only if practiced within licensed establishments. Only unmarried women are allowed to become licensed prostituted persons. The children of prostituted persons cannot work in the police force or the army, nor marry civil servants. Prostituted persons operating outside of legally licensed establishments incur a fine and up to one year in prison for begging. Sex trafficking is a crime punishable by 8 - 12 years in prison (article 80 of the Turkish Penal Code).
- During the first three quarters of 2014, 285 people were investigated for human trafficking with purposes of sexual exploitation. 25 of these suspects were found guilty, but only four were sentenced to imprisonment. During the same period, three civil servants were investigated for collusion in human trafficking activities; two out of the three were given prison sentences (*U.S. Department of State*, 2015).
- Overall regression in women's conditions in the previous years.
- By the end of 2014 two million Syrian refugees had fled to Turkey, particularly vulnerable to human trafficking.
- Country of transit and destination for victims of sex trafficking. Country of origin for a smaller number of victims.
- Origin country for victims of trafficking: from Moldova, Ukraine, Russian Federation, Central Asia, Morocco and Syria.

In Turkey, the government has been in power since 2002. It is inspired by the Turkish AKP (Party for Justice and Development) government and led by President Recep Tayyip Erdogan. It has been gradually moving towards more Islamic conservative positions on social issues. Since 2012, the president has stood out for his traditionalist declarations concerning the place of women in society. President Erogan himself has said that "woman is naturally not the equal of man", his vice president has declared that women should not laugh in public in order to "conserve their decency" and the minister for health has advised women to focus their efforts on the sacred "role of mother" in lieu of attempting a career in the professional sphere.

While women have won civil equality to men in 1926, and the right to vote in 1934, but their situation in society has deteriorated in recent years: access to abortion, whilst not having been made illegal outright, has nevertheless been made increasingly difficult, if not impossible. Medically induced abortions are no longer reimbursed by social security, and most family planning centers have been closed. The government's recent statements concerning women's rights and "place" in society have provoked waves of protests by Turkish feminists. While the government's stance on women's rights concerns all women, prostituted females have been particularly affected.

Close to the coast of the Black Sea, Turkey has become a hub for both prostitution and human trafficking due to its geographic location and the borders that it shares with Iraq, Syria, Iran and the former Soviet Union states. Its long border with the Mediterranean Sea, which is too long to be properly controlled, provides excellent opportunities for illegal entry into and exit from the territory.

Due to both its geopolitical situation and its relative socio-economic attractiveness compared to its neighboring countries, Turkey is a country with high incidences of people trafficking through and into the territory. It is also a country of origin for trafficking victims, but this is not as common of an occurrence. According to the International Organization for Migration (IOM) most exploited migrants are from the Maldives, Ukraine and Russian Federation. However, in the last few years there have been increasing numbers of people from Kyrgyzstan, Uzbekistan, and Turkmenistan and, in the highest numbers from Syria due to current political conflicts. Most of these people are between 18 and 24 years of age and arrive through Istanbul, Antalya and Trabzon.

The 2015 U.S. Department of State Report on Trafficking in Persons classes Turkey as a Tier 2 country - this means that its efforts to combat people trafficking are only partly satisfactory. Although Turkey has made some effort - particularly by condemning traffickers and lowering the number of acquittals, it does not respect the minimal norms needed to achieve an elimination of human trafficking. Numerous traffickers, although arrested in connection with trafficking activities, have been sentenced for lesser crimes than trafficking with very light punishments. In addition, although the Turkish government has recognized hundreds of trafficking victims, the protection it offered the victims decreased. The reason for this is the budget-cut induced closing of numerous agencies that were responsible for the protection and processing of victims.

## Turkish Regulation and Current Circumstance

Prostitution has been legal in Turkey since 1923 and the creation of the modern Turkish republic by Atatürk. The Turkish regime is regulationist: prostitution is authorized and controlled solely in licensed establishments. However, the Turkish Penal Code punishes "all organized human trafficking with sexual purposes" with a sentence of 8-12 years in prison (article 80). Facilitation of or incitement to prostitution are also punishable by severe prison sentences (article 227 of the Turkish Penal Code).

The regulation of prostitution is provided for in a decree dated 30 March 1961: "*General regulation of prostituted persons and brothels to more effectively fight against the spread of sexual diseases and infections*". A police investigation usually occurs to certify that the sex workers are fit to engage in prostitution and that they do not carry any sexually transmissible infections or diseases. Once authorized, the sex worker undergoes regular check-ups from the manager of the brothels where they work. An identity card is issued, signaling the authorization of the sex worker's activity; she pays state taxes and social security contributions, she has to undergo regular health checks. The shift times are not decided by the individual sex workers but by the establishment to which they are attached; generally they work 12 hours a day and receive between 10 and 50 clients. The brothel managers fix the tariffs, and the sex workers receive between 40% and 50% of the profit. Tips are also shared with the managers of the brothels and the sex workers are generally required to pay a daily fee for utilities (water, electricity, gas) and sometimes even other "necessities" such as toilet paper, bedding...

This type of regulation is not at all liberating, on the contrary it is founded on fundamentally conservative objectives: removing prostitution from the streets and hiding it from the public eye. In fact, prostituted persons are treated like criminals by the state, which considers them to be merely a danger to public health requiring control. Legalized sex trafficking and its surrounding activities bring in between 3 and 4 million US\$ (2.77 à 3.70 million €) per year in Turkey.

In the last 13 years of AKP rule, most brothels in Turkey have been closed, leaving only 56 open today. There are 3,000 officially recognized sex workers operating in these 56 establishments. This spate of closures has led to numerous protests by sex workers, notably after the 2013 closure of six licensed brothels on the famous Zürafay Street (Giraffe Street) in Istanbul's red light district near Karaköy. Closures also affected establishments based in Ankara and Antalya. The police expressed concerns about security and said that they had identified illegal behaviors in these venues such as advertising and soliciting.

These closures do not stop prostitution, they simply move the activity to a new location: the street. It is estimated that there are now some 100,000 illegal sex workers in the streets of Turkey due to the closure of brothels and the ongoing non-renewal of licenses (*Le Petit Journal*, January 8<sup>th</sup>, 2013). In ten years there has been only one new sex worker legally recruited in Istanbul (*Article 11*, February 29<sup>th</sup>, 2012). Since 2000, 15,000 prostituted persons have been awaiting official authorization, according to the Ministry of Health's figures (versus 40,000 according to the NGOs). The State pleads numerous reasons for this level of refusal, most of which seem far-fetched: the lack of places available, the antiquated states of the buildings brothels are located in, the lack of fire exits...

The places used to carry out illegal prostitution are extremely varied - private villas and apartments, streets, nightclubs and bars, massage parlors, saunas, hotels, casinos, boats, the web - but they share a common feature: all of them endanger the prostituted persons who use them. In the streets, prostituted persons are at risk of fines or even imprisonment of up to one year for begging or blocking the traffic, because they are considered a menace to public order. In addition, prostituted persons are often vulnerable to police violence and harassment or extortion. Finally when they are licensed and registered in police files, prostituted persons have almost no chance of finding employment outside prostitution, as their working license replaced their identity cards.

Recently, in the face of the government's absolute refusal to take into account their arguments, the abolitionist groups have changed tactics, and now seek to further the cause of gender equality by campaigning for male brothels. At the moment, only women can be licensed as prostituted persons. A feminist group referred to the Turkish parliament and the minister of the interior in spring 2013 demanding the creation of a male brothel. They threatened to protest before the European Court of Human Rights about the justified principle of gender equality if their demands were left unmet. This incident has put the debate surrounding the idea of prostitution back in full light, that is deciding whether the Turkish State should allow or not brothels.

### **Sexual Exploitation of Syrian Women in Turkey as a Result of the Syrian Civil War**

As the Syrian war enters its fifth year, 4 million Syrian refugees have already fled to Turkey, Jordan, Libya, Iraq and Egypt and live today in alarming conditions. Turkey has taken in the largest number of refugees in the world and has already given more than 6 billion US\$ (5,54 billion €) in aid directly to the refugees (*UNHRC*, March 12<sup>th</sup>, 2015).

After years of exile, precariousness and suffering, more and more refugees resort to sex work to survive. Turkey started to host Syrian refugees from April 29<sup>th</sup>, 2011, and built around 20 camps towards this end. However, according to the UN, the camps hosting 75% women and children were not built to receive more than 200,000, and were very shortly overpopulated (*Europe Israël News*, June 17<sup>th</sup>, 2013). By the end of 2014, almost two million Syrian refugees were in Turkey. Unfortunately instead of offering aid, some Turkish people take advantage of the vulnerable position of Syrian refugees, and force women and girls into marriage or prostitution. It is sometimes even the desperate husbands of Syrian women who force them into prostitution. Similarly, many Syrian families abandon their young daughters to the gangs that patrol Turkish borders in order to gain access to the country. These gangs traffic the girls into Arabic countries and sell them, notably in Qatar.

The number of Syrian women seeking employment to support themselves or their families is huge, a fact that is often taken advantage of by employers, who exploit the vulnerable situation of these women to rape or prostitute them. Samaa, a young Syrian refugee, explains that when a Syrian refugee asks for help, for employment, for somewhere to live or for money, there is an immediate demand for something in return - normally a sexual one. She prostituted herself in order to earn money to feed her family. Her husband knows, but 'turns a blind eye' because they needed the money so badly. A restaurant owner recently offered work to her two sons in exchange for sex with Samaa.

In addition, many Turkish men have been choosing Syrian women as their second or even third wife. Most of these "marriages" have been arranged in exchange for money, and are of short duration. They are in effect a pretext to acquire the sexual services of a woman. All of these "short-term-marriages" end up in prostitution, and are merely a cover for sexual exploitation. This can be illustrated by the case of Um Majed, operating in Turkey, who provides Syrian sex slaves from a camp. She receives a commission for each transaction and sells 13 year old virgins for around 5,000 US\$ (4,616 €) (*CBS News*, May 15<sup>th</sup>, 2013).

According to a report on violence against women, from the NGO Minority Rights Group International, "the group Daesh has become a major actor in the buying and selling of young girls" and "the group is dependent on human trafficking which is a major source of its income" (*Puttick*, February 2015). The Syrian war allows these Islamists to use these women and girls to satisfy their basest instincts and sexual compulsions. Women are often kidnapped, raped and then killed, bought and resold for a few dollars to slave trafficking networks.

Turkey is also a country of transit for girls from all over the world, who, manipulated and converted to extreme Islam, have fled their countries of origin to join the jihad of Daesh. However, once they arrive at the border between Turkey and Syria, they are taken by Daesh and given to its soldiers to satisfy their sexual 'needs'. For example, in April 2014 two 15 year old girls from Austria arrived at Adana, a town on the border between Turkey and Syria, in order to fight for Daesh. These girls have since disappeared completely. The Turkish and Austrian authorities suspect that they have been forced into prostitution by Daesh. This incident is only one illustration of the hidden face of the organized and forced prostitution of children, from which traffickers continue to profit due to the war. Turkey has become a hot spot of under-aged forced prostitution by Jihadists in Syria.

The context of the Syrian civil war has affected other countries as well. The Tunisian Minister of the Interior has recently expressed concerns for his own citizens. When the girls who have been lured into joining Daesh are not killed, they return to Tunisia often pregnant, or infected with HIV/AIDS or other sexually transmitted diseases, and are often psychologically traumatized. This phenomenon concerns in equal measure countries such as Libya, Mali, Bosnia and Herzegovian, Austria. The Syrian conflict is far from over, and the level of sexual exploitation taking place within the desperate Syrian population should be considered as unacceptable by the international community.

Some initiatives have been put in place to try to address and improve this situation. For example in 2013, a project was undertaken by UNICEF and the EU to provide care for Syrian children living in Turkey, and teacher training sessions were held for Syrian volunteer teachers - both men and women of all ages - to teach them how best to work with their pupils in the refugee camps. Around 1,500 Syrian teachers work in these Turkish camps, some have been there for over two years, others for only a few months.

## **Discrimination and Transgender People**

Since AKP came to power, the number of prostituted persons who have been abused or murdered has risen considerably, but particularly within the population of transsexual prostituted persons. This situation is all the more alarming when one considers that the

murderers, admired and even encouraged by their friends, are rarely investigated by the authorities and punished.

Between January and July 2013 there were 15 transphobic attacks, (including 4 deaths) registered in Turkey. 98% of transsexuals surveyed said that they had been subject to police violence. Stigmatized by the government and rejected by society, 99% of transsexual women are supposedly obliged to take up prostitution as a way to survive, according to Şevval Kılıç- a transgender member of the NGO Trans-Blok and candidate for the municipal elections in Istanbul in March 30<sup>th</sup>, 2014.

While homosexuality is not a crime in Turkey, the Turkish Penal Code contains articles, which are used to harass LGBTI people, such as the article concerning 'outrage to public morality'. Harassment, physical or verbal aggression, and open discrimination are common. There are no laws in Turkey against discrimination in reference to employment, lodging or healthcare.

In April 2014, a transsexual person sued the Turkish Ministry of the Interior after having been fined by the police on two occasions for 'public disturbance'. Proceedings against the government are based on the systematic character of persecution that transsexual people experience at the hands of the police because of their sexual identity. The police not only give out fines, but also arrest transsexuals and bring them to the police station - in effect taking away their liberty. The police respond by insisting that these people are prostituted persons, although they were only strolling in the street. This is but one example amongst many of transsexual people being discriminated against due to their sexuality.

In 1993 a NGO for the defense of LGTBI rights was created, Lambda, and today it offers help to those in need in the face of hatred and discrimination in Turkey. Today this charity is well known for its fight to defend in particular the right for LGBTI people to have partners - as the Turkish government has denied this right on numerous occasions - always citing 'outrage to public morality" and "encouragement of undesirable behavior". Lambda has complained to the European Court and won a legal status that still stands today, despite being threatened. While Lambda aims to defend the human rights of LGBTI people in Turkey, it also aims to replace the current Turkish constitution, which, in their opinion, contains discriminatory articles.

The Human Rights Committee's 2012 report, concerning international agreements relative to civil and political rights, is concerned with the level of discrimination and acts of violence against people due to their gender identity or sexual orientation, and by the social stigma and exclusion that the members of the LGBTI community go through. It called upon Turkey to ensure that they do not tolerate any forms of social stigmatization, harassment, discrimination or violence against someone because of their gender identity or sexual orientation. Turkey was also encouraged to ensure that all acts of violence or discrimination motivated by homophobia/transphobia were subject to official investigation, followed by appropriate sentences for those responsible.

### **Insufficient Advances in Victim Protection**

Licensed prostituted persons, working from within licensed brothels, are often seen as victims by the general public. However, those who operate illegally – which is the majority -

are treated as criminals and generally mistreated by the authorities. Victims of human trafficking are not protected against the risk of being arrested, brought to court, or punished because of their irregular entry or stay in Turkey - despite the fact that they are in Turkey illegally only because they have been illegally trafficked there. Turkish law does not offer these victims sufficient protection. Furthermore, if a person without papers is found to be carrying a sexually transmissible disease, Turkish law allows for the expulsion of this person, who will then be barred from ever returning to Turkey. Around 1,000 people a year are forcibly repatriated from Turkey. While Turkish healthcare authorities perform check-ups to detect sexually transmitted diseases within licensed brothels, there are no such check-ups available for illegal street prostituted persons, nor are awareness campaigns undertaken about the dangers of sexually transmitted infections.

The U.S. Department of State Report on Trafficking in Persons reveals a drop in the number of both investigations and sentences in Turkey concerning human trafficking in 2014 compared to the years before. The number of identified victims has also dropped, and when victims are identified, most of them do not receive either assistance or shelter. As mentioned before, they are sometimes even forcibly repatriated. A number of victim shelters have been closed due to insufficient funding from the Turkish Government. Furthermore, these structures are not equipped to deal with victims who are also minors.

The U.S. Department of State Report also reveals the absence of any public campaigns aimed at preventing and ending human trafficking and sexual exploitation, as well as an absence of training for front line police officers so that they can properly identify and assist victims. However, it must be noted that there have been several recent advances concerning the protection of victims. The Turkish government has continued to finance an international telephone line for victims of sexual exploitation and advertises this number in both pamphlets and posters, in airports and other strategic points of entry into the country. It has founded three NGOs who deal with assisting victims and offer medical and psychological care, and legal counsel - notably for obtaining visas and residence permits. In addition, a project for the creation of a law of prevention of human trafficking and the protection of victims is currently being undertaken. The government has put in place a National Orientation Mechanism for identification and assistance of victims, which legal professionals, ambassadors, international organizations and civil society groups have to follow. A new civil institution has been created in order to coordinate this new effort: the Department for the Protection of Exploited People. However, it appears that victims are not sufficiently encouraged towards the program of repatriation, which reveals a flaw in the new system.

In April 2013 the Turkish government adopted a new law, the "Foreigners and International Protection Act" which gives a legal definition of human trafficking, and creates a special type of residence permit for victims of trafficking, which can be renewed for a maximum period of three years. The government organized a workshop for 70 judges and police officers on human trafficking and the related new law.

Indirectly, the tenth Development Plan, covering the years 2014 - 2018 and approved by the Turkish National Assembly in July 2013, could result in a drop in prostitution in Turkey. The plan concerns primarily the fight for equality of the sexes: it plans an increase in female employment, an increase in the level of female education and working skills, an extension of

current working structures - daycare and other child minding services should be more easily available, guaranteed and flexible in order to allow a balance between work and family life.

Despite these advances, which are mostly motivated by Turkey's desire to join the European Union, human trafficking is still a big problem, and victims are not protected enough. While this situation is certainly related to the Syrian conflict, it is primarily explainable by the continuing loss of women's rights, previously fought for and won over several decades, as uttered by the government's recent declarations.

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