Eskişehir Osmangazi Üniversitesi Sosyal Bilimler Dergisi Temmuz 2023(2), 424-439 DOI: 10.17494/oqusbd.1279265

Understanding Human Trafficking in Türkiye: A Field Research With Public Professionals Involved in The Fight Against Human Trafficking ¹

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Türkiye'de İnsan Ticaretini Anlamak: İnsan Ticaretiyle Mücadeleye Katılan Kamu Profesyonelleri İle Saha Araştırması

Öz

Modern köleliğin bir türü olarak kabul edilen insan ticareti, uluslararası hukuk ya da sınır aşan suçlar kapsamında birçok çalışmada ele alınmıştır. Ancak Türkiye'de bugüne kadar mağdur perspektifinden tartışılmamıştır. Bu çalışma, Türkiye'deki insan ticareti mağdurlarına yönelik gönüllü geri dönüs ve mağdur destek programları gibi kamu hizmetlerinin etkinliğini araştırmaktadır. Son olarak uygulamaların etkinliği, Göç İdaresi Başkanlığı bünyesinde görev yapan 14 Göç Uzmanı ile katılımcı yöntem uygulanarak gerçekleştirilen nitel araştırma ile değerlendirilmiştir. Çalışma sonuçları, masa başında yazılan yasa ve yönetmeliklerin teorinin ötesine geçmekte zorlandığını ve uygulamada bir takım aksaklıkların olduğunu göstermiştir.

Anahtar Kelimeler: İnsan ticareti, insan ticareti mağdurları, Türkiye'de insan ticareti

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Abstract

Human trafficking, which a type of modern slavery, has been discussed in many studies under international law or transnational crimes. However, it has not been discussed in Türkiye so far from the victims' perspective. This study investigates the effectiveness of public services such as voluntary repatriation and support programs for victims intended for human trafficking victims in Türkiye. Finally, the effectiveness of these practices is evaluated through qualitative research conducted with 14 Immigration Experts working in the Presidency of Migration Management by applying the participatory method. The study results have shown that the laws and regulations written on the desk have difficulty going beyond theory, and there are a set of troubles in practice.

Keywords: Human trafficking, human trafficking victims, human trafficking in Türkiye

Makale Türü: Araştırma Makalesi Paper Type: Research Article

¹ Bu çalışma Anadolu Üniversitesi Sosyal Bilimler Enstitüsü Çalışma Ekonomisi ve Endüstri İlişkileri Anabilim Dalı'nda Doç. Dr. Yener ŞİŞMAN danışmanlığında Cumhur HAVAN tarafından 19.07.2022 tarihinde savunulan "Sosyal Politika Ekseninde İnsan Ticareti: Mağdurlar Üzerine Bir Alan Araştırması" başlıklı Doktora Tezinden üretilmistir.

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1. Introduction

Although the crime of human trafficking, which has commoditized human beings and constitutes one of the most severe human rights violations, dates back to the distant past, the interest in it exponentially increased after the argument was defined as a crime in the Palermo Protocol that was opened for signature in the year 2000.

The crime of human trafficking constitutes a severe threat to individual freedoms, public order and public health. Every year, thousands of men, women and children become victims of human trafficking. In this sense, the fight against human trafficking and victim protection practices are essential.

Furthermore, it is known that the most essential concepts of the 21st century are human rights and democracy, and efforts are made to develop a mechanism of struggle. They will to fight against all attitudes and actions violating human rights. Human trafficking, deemed modern type of traditional slavery, is one of the main problems that cause human rights violations.

When victims of human trafficking are determined and believed that criminal provisions take form, these are given the status of "victims of human trafficking". People who are given the status of victims of human trafficking in Türkiye, within their consent, select either a victim support program or voluntary repatriation and so are appropriately put under legal protection following international standards.

However, human trafficking is complicated. The most substantial gap in the progress that can be called anti-trafficking practices is the invisibility of victims' voices and demands, in other words, the inability to evaluate the issue from the victim's perspective adequately.

The main objective of the present study is to discuss human trafficking crime in Türkiye and reveal the victims' perspectives by interviewing the actors who fight against this crime one-to-one in the field. However we cannot interview the victims of human trafficking personally.

1.1. The Concept of Human Trafficking

Human trafficking, which is as old as the emergence of rights and freedoms, deprives people of their rights and freedoms, and is an act contrary to human rights and law, is defined as the modern form of slavery or modern slavery according to many scientists today (Aydın, 2013, Akgün, 2016, Machura et al., 2019, Ballet & Bhukuth, 2016, Scarpa, 2008, Cameron, 2020). However, we should note that there is no internationally accepted definition of human trafficking.

The most comprehensive international initiative to define it was the Palermo Protocol, signed in 2000⁴. "The Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime", which was created after a long latent period and is the last of the historical conventions that preceded it, defines human trafficking as follows:

(a) "Human trafficking" means procuring, conveying from one place to another, transferring, sheltering or taking delivery of persons by force or threatening with the use of force, or by any other form of coercion, kidnapping, cheat, deception, abuse of influence, exploitation of one's helplessness, or make a gain or benefit from that person or others to obtain the consent of

⁴ The United Nations Protocol on Preventing Human Trafficking, which was adopted at the United Nations conference held in Palermo, Italy on 12-13 December 2000 and entered into force on December 25 2003, is "the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime". (http-1)

persons who have audit mandate over others. The term abuse includes minimally the exploitation of others' prostitution or other forms of sexual abuse, forced labor or slavery, captivity or alike practices, servitude or the removal of organs.

- (b) If human trafficking is committed by any of the methods referred to in clause (a), whether the victim consents to the exploitation or not will not change the case.
- (c) Even if they do not contain any of the methods stipulated in clause (a) of this article, procuring, transporting from one place to another, transferring, sheltering or taking delivery of a child for exploitation are considered "human trafficking".
- (d) Anyone under the age of 18 shall be considered a "child".

Human trafficking is defined by Article 80 of the Turkish Penal Code (TCK) No. 5237, according to the Palermo Protocol as follows: "Procuring, kidnapping, transporting from one place to another or transferring, and sheltering to force labor or enslave, to subject them to captivity or similar practices, to use threat, pressure, coercion or violence to give their bodily organs, to abuse influence, deceive or obtain the consent of persons who have audit mandate over others or to exploit one's helplessness..."

1.2. Human Trafficking Outlook

Studies indicate that women and girls are disproportionately affected, accounting for a significant proportion of victims trafficked for sexual exploitation (UNODC, 2020). However, it is essential to recognize that human trafficking is not limited to gender; men, boys, and gender-nonconforming individuals are also at risk of exploitation and must not be overlooked in counter-trafficking efforts (UNICEF, 2021).

Moreover, labor exploitation, encompassing forced labor and slavery-like practices, remains another distressing aspect of human trafficking. Research shows that forced labor affects millions of individuals, often trapped in exploitative working conditions across various industries, including agriculture, construction, and manufacturing (ILO, 2017).

Child trafficking remains a grave concern, as children are targeted and subjected to various forms of exploitation, such as forced labor, sexual exploitation, and involvement in criminal activities (UNICEF, 2021).

Furthermore, the trade of organs and tissues presents an alarming trend within the realm of human trafficking. Organ trafficking involves the illegal removal, transportation, or sale of organs and is often driven by the demand for transplantation (UNODC, 2018).

Although the crime of human trafficking is generally handled in four different ways in the international literature, its most common form in the world is human trafficking in sexual exploitation, i.e., prostitution (Gacinya, 2020, Barner, et al., 2014, Ezeibe, et al., 2021, Ioannou & Oostinga, 2015).

"Human trafficking" is a term used regarding "illegitimate" activities and includes forced labor, sexual exploitation, forced marriage, debt spiral, captivity and captivity-like practices, as well as organ trade (Lobasz, 2009, p.323).

Four human trafficking types are accepted internationally, which are:

- 1. Woman trafficking for sexual exploitation
- 2. Labor exploitation (forced labor, slavery-like practices)
- 3. Child trafficking
- 4. Trading of organs and tissues

1.3. Elements Eliciting Human Trafficking

The leading causes of human trafficking and those of classical immigration show similarities. People seek a solution to promote their living standards and think living in the country can be a solution. People who aim to promote their living standards and quality of life are generally unaware of the threats and dangers that await them due to this immigration they have faith. Individuals who attempt this By disregarding caution entirely with the desire for high earnings and access to quality life promised to them by criminal organizations ultimately fall into situations that are beneath human dignity, and so they suffer a lot.

There are many social, cultural, economic and political reasons for human trafficking. Economic exploitation that is common in every society exacerbates women's financial power and conditions of women, particularly in societies where gender inequality is more frequent, and causes many women to have no say over their income. It is known that men are more potent than women and children in male-dominated societies, and human traffickers benefit from the despair of women who are not in a good financial situation. Gender-based discrimination is a cultural factor in the abuse of women and children. Today, in which borders are uncertain in many aspects, people can easily see the living conditions in different geographies with increasing communication opportunities and look for ways to immigrate to these countries to live better and safer by making comparisons. For example, upon the dissolution of the Soviet Union, people in the region who were freed from the oppressive rule increased their expectations and began to search for a-life in other countries with higher living standards (Kılınç, 2014, p.32).

Human trafficking cannot be considered independently of the unemployment and poverty-driven destruction caused by neo-liberal policies that gained momentum through globalization and the aggravated effects of this destruction on women. Again, the gendered labor and market relations induced global labor of women and created productive areas for human trafficking (Özer, 2010, p.18).

As in all human movements, poverty lies at the root of human trafficking. There is a strong connection between poverty and human trafficking in source countries. People who have difficulties in the struggle against the economic conditions in their countries think that the way out is to build a new life by settling in another country. However, they are generally unaware of the threats and dangers that await them. Individuals, who attempt this by throwing discretion to the winds with the desire for high earnings and access to quality life promised to them by criminal organizations, ultimately fall into situations that are beneath human dignity. So they suffer a lot (Kuloğlu, 2010, p.13).

The reasons that force individuals to leave the source countries are called driving factors, while the reasons that lead to the tendency to the target country are called attractive factors. More clearly, the driving factors are sexual or ethnic discrimination, violence, high unemployment, labor market closed to women and gender discrimination, deterioration of the social structure, inability to access to opportunities to improve the quality of life, poverty, escape from persecution and abuse, escape from human rights violations, conflict and other environmental factors, including war. Attractive factors can be expressed as high quality of life and living standards, access to quality education, better labor opportunities, high salaries and better working conditions, less discrimination and abuse, and the search for equality and justice (Tekin, 2020, p.35).

2. The Ways and Methods of Fight Against Human Trafficking

The literature on the fight against human trafficking uses the tripartite strategy. These three elements, which constitute the sub-elements of the fight, are defined as 3P (Prevent, Protect and Prosecution), as the abbreviations of their English meanings. To prevent human trafficking (Prevent), first of all, it is aimed to suppress the supply and demand for human trafficking and to reduce human

trafficking cases. These efforts mainly include national action plans, training programs, information sharing among authorities, cooperation with civil society organizations and institutions of other countries, and public awareness campaigns. Governments, mostly in collaboration with international organizations, are engaged in awareness-raising activities to prevent potential victims from becoming real victims. Furthermore, governments should strive to reverse the vulnerability of potential victims to traffickers and train and raise awareness of the community on human trafficking. On the other hand, prevention campaigns are mostly concentrated in source countries. However, it is necessary to carry out similar attempts in the target countries simultaneously with the source country to increase the effectiveness of prevention efforts. Regarding deterrent punishments for human traffickers (Prosecution), acts of human trafficking must be properly punished, and to that end, the actions of traffickers must be effectively investigated and prosecuted. Based on their role in human trafficking, deterrent punishments should be imposed on traffickers. Efforts to punish traffickers can also contribute to preventive efforts (Burns, C. J. et al., 2021,p.1)

On the other side, it should be reminded that efforts to prevent, protect and punish are closely related and thus complement each other. This is because punishment is a deterrent factor for human traffickers. Protection, however, strengthens the status of the victims and prevents them from becoming victims again. By this means, it prevents the repetition of human trafficking process. Prevention, on the other hand, intends to resolve the problem entirely by eliminating the supply and demand in human trafficking.

A balanced path should be followed in the fight against human trafficking in terms of the subelements of human trafficking. However, because human trafficking is a grave violation of human rights, special attention should be paid to victims' rights (Tekin, 2020, p.41).

Finally, human trafficking is an organized crime; therefore, it is as hard to fight against as it is to commit it. Furthermore, because the crime concerns at least two countries by its very nature, it requires the cooperation and coordination of both countries.

However, coordination and cooperation between states can only sometimes be established. In addition, cooperation between non-governmental organizations and states is necessary to fight against human trafficking effectively. Therefore, some studies add the "partnership" concept to the 3P in the literature.

2.1. Public Efforts Regarding Trafficking Victims in Turkiye

As in the 3P approach accepted in the international literature, we can evaluate the efforts to fight against human trafficking in Turkiye under three main headings: Preventive Policies, Prosecution Policies and Protective Policies.

2.1.1. Preventive Policies

Turkiye became a party to the United Nations Convention Against Transnational Organized Crime (Palermo Convention) on March 25, 2003 and to the Council of Europe Convention Against Trafficking in Human Beings (GRETA) on January 30, 2016.

According to Article 90 of the Constitution of the Republic of Türkiye, "International treaties duly put into force are statutory". In this sense, both international texts on human trafficking are part of Türkiye's national legislation.

Also, there is an effort in the Turkish Penal Code to comply with crimes related to human trafficking with the Palermo Convention. Within this framework, human trafficking in Türkiye can be sentenced to imprisoned from eight to 12 years. This shows that Türkiye handles the human trafficking problem as seriously as it should.

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On the other hand, Türkiye started to implementing the "Protection of Victims of Human Trafficking Project" by using of the EU's Instrument for Pre-Accession Assistance (IPA) in 2014. Türkiye furthers its fight against human trafficking for foreigners and its citizens by respecting human rights.

To determine the support to be given to human trafficking victims, the Regulation on Combating Human Trafficking and Protecting the Victims was enacted on March 17, 2016. In this sense, Türkiye's legal regulations can be deemed sufficient. However, public support should be obtained besides legal regulations to help the victims of human trafficking effectively.

It is not right to limit the prevention of human trafficking to legal regulations or authorities only, as human trafficking is a comprehensive problem that affects large masses. In this regard, it is essential to adopt a comprehensive strategy for human trafficking. In Türkiye, citizens are asked to call the Foreigners Communication Center (YİMER 157) when they encounter victims of human trafficking or when they suspect human trafficking crime somewhere. Within YIMER, the aim is to provide emergency assistance to the victims of human trafficking. YIMER provides services 24 hours a day, seven days a week. Furthermore, incoming calls are answered not only in Turkish and English but also in different languages.

Studies are performed in cooperation with civil society, cooperation is carried out with many countries and international organizations such as the International Organization for Migration (IOM) to prevent human trafficking, and occasionally Türkiye and some other countries carry out joint operations (Tug, 2020, p.44).

2.1.2. Prosecution Policies

Legal arrangements have been made in Türkiye in line with the decisions taken and the conventions signed within the framework of the European Union, the European Council and the United Nations. In Article 80 of TCK No. 5237, the crime of "human trafficking" is regulated by force of all these international regulations. Besides that, there are some legal regulations apart from TCK within the framework of the fight against victim-focused human trafficking. For example, one of the residence permit types issued according to the Law on Foreigners and International Protection (LFIP) No. 6458 is the residence permit for victims of human trafficking. The governorships can grant residence permits to foreigners who are strongly suspected of being or can be victims of human trafficking for 30 days to get over the impacts of their experiences and decide whether to cooperate with the authorities or not and these residence permits do not stipulate the requirements demanded for the issuance of other residence permits (Şişman, 2022, p.227). In addition, no deportation decision can be taken for trafficking victims who benefit from the victim support program.

Again, special work permits can be granted to human trafficking victims who benefit from the victim support under International Labor Law No. 6735 and the LFIP (Şişman, 2022, p.223). Employers, who employ foreigners with no work permit, are obliged to cover the accommodation expenses of their employees and their spouses, and if any, their children, expenses needed for their return to their countries and health expenses when needed (Yılmaz, 2017, p.893).

The Directorate General of Migration Management, which stands as Türkiye's most critical institutional structure in fighting against human trafficking, was activated in 2013. Furthermore, the "Department for the Protection of Victims of Human Trafficking" was established within the Directorate General of Migration Management. This department carries out studies for the prevention of human trafficking as well as all other duties within the scope of protecting the victims of human trafficking.

The Department of Anti-Smuggling of Migrants and Border Gates was established within the General Directorate of Security to fight against criminal organizations such as migrant, human and organ/tissue trafficking (Çakmakcılar, 2019, p.130). This department is also organized locally in 28 provinces and 24 districts throughout Türkiye.

2.1.3. Protective Policies

Following the entry into force of the Law on LFIP No. 6458, which is an essential reference point in the formation of policies to protect victims of human trafficking and is mentioned in the previous section, the Regulation on Combating Human Trafficking and Protecting the Victims also entered into force. In Article 1 of the Regulation, the purpose and scope of the regulation is:

"To determine the procedures and principles regarding the fight against human trafficking, the prevention of the crime of human trafficking, the protection of human trafficking victims without discrimination between foreign and Turkish citizens within the scope of human rights, the granting of residence permits to foreign victims and the support services provided to victims."

The most important aspect of this regulation is that it covers, without any discrimination between foreign or Turkish citizens, all real persons who have been subject to human trafficking. Besides, based on the social gender equality, the regulation also includes that a human rights-based fair, effective and fast procedure will follow the social state principle.

The protective policies are addressed in two main frameworks in the regulation: victim support program, and voluntary and safe return program. We will evaluate the current policies and practices regarding human trafficking in Türkiye under the same two basic primary headings.

2.2. Victim Support Program

Individuals who are or strongly suspected of being victims of human trafficking are first placed in an asylum or similar service organization within the scope of the victim support program. The main purpose here is to protect the safety and health of the victim during the prosecution or investigation phase. However, the victim's consent is first sought to be placed in an asylum or similar service institution. No one person is placed in an asylum or a victim support program without consent.

The support program to be offered to those who can be identified as victims by Article 28 of the Regulation on Combating Human Trafficking and Protecting the Victim includes "sheltering the victim in asylums or in safe places, ensuring access to health services, providing psycho-social support, accessing to social services and benefits, accessing to legal aid and counselling and information on the legal rights of victims, providing guidance on access to education and training services, supporting the victims to access to vocational training and labor market, providing temporary financial support to meet their basic needs".

Following the provisions of Law No. 3294 on Law on Social Assistance and Solidarity, victims can benefit from financial support and interpreting services, information is provided to the embassy or consulate of the country of citizenship upon their consent, they can have the opportunity to meet with the embassy or consulate authorities of the country of nationality, and they can have assistance in their identification and the provision of travel documents.

The victims may wish to terminate the support program while benefiting from it. Should they have such a demand, they must share this request with the shelter authorities and submit it in writing. Thus, the authorities shall report this declaration they have received in writing to the Provincial Directorates of Migration Management as soon as possible. When it is noticed that the victim communicates of her own accord with the wrongdoers without any pressure, threat or blackmail; when she leaves the asylum without the knowledge of the asylum officials; when she does not obey the rules during the

implementation of the support program, when she does not cooperate with the authorities and if it is understood that the person identified as a victim is lying and is not a victim, then the support program implemented by the officials of the Provincial Directorate of Migration Management is immediately terminated (Seçkin, 2018, p.57).

2.3. Voluntary and Safe Return Program

With the termination of the victim support program, the voluntary and safe return program is enabled without losing any time.

In this program, not only privacy is ensured but also security is ensured. The program can be used when the victim declares in writing that she does not want to benefit from the victim support services, during or at the end of the program. The Provincial Directorates of Migration Management fulfil it with the Directorate General of Migration Management. A victim may want to go to a third country apart from her own. To ensure safe departure with necessary measures, the Directorate General of Migration Management is informed. In case of a situation that may pose a danger to the life or physical integrity of the victim, support is demanded from the security forces. The transfer of victims to airports is carried out by asylum staff during their voluntary and safe return procedures from asylums to their countries. The transfer of the victims who cannot reside in the asylum and stay in the particular area allocated for them in the repatriation centers or public institutions and organizations where a protocol is made for other reasons is done by the personnel of the governorship or the officials of the institutions and organizations to which the protocol is made (Alakuş and Uzan, 2020, p.106).

During the departure procedures of the victims from the country, the departure and document control procedures of the victims are carried out through the documents without the need for them to go to the passport control point, and they are taken directly to the gate of the means of transport.

The transportation and other expenses of the victims are covered by the Directorates of Migration Management or the related institutions and organizations per protocol's provisions. To ensure the safe departure of the victims from the country, they are provided with airport transfer and accompaniment, and the transportation is ensured to their destination country. Furthermore, financial or public relief is provided to them to adapt to the destination country.

If the victims consent, the authorities and institutions of their countries are informed about the human trafficking crime to which they have been subject, and information is given about the date, the manner and documents of their return (Seçkin, 2018, p.58).

3. A Qualitative Research Carried out with Trafficking Victims and Anti-Trafficking Actors

This part of study discusses the research we have done with migration experts who work in the Directorate of Migration Management, deal with victims one-to-one in the field, interview them, try to understand them, identify them as victims and give them legal status.

3.1. Aim of the Study

This study focuses on the experiences of public professionals involved in the fight against human trafficking at the time of exploitation, and the case is conveyed directly by the actors who deal with the victims one-to-one in the field. Also, it aims to evaluate the effectiveness of anti-trafficking practices in Türkiye through self-assessment from an expert perspective.

3.2. Importance of the Study

Human trafficking is an issue that has been studied much under international law and transnational crimes. However, it has not been discussed in Türkiye so far from the victims'

perspective. Furthermore, because experts who take an active role in the fight against human trafficking are interviewed, this makes our study exploratory research and allows the state perspective to be transferred to a certain extent.

3.3. Research Method

This study adopted a qualitative research method to explore human trafficking. Data collection involved conducting interviews with public professionals who involved in the fight against human trafficking. The interviews were conducted using a semi-structured approach to allow flexibility in responses while ensuring key themes were addressed.

The purpose of these interviews was to gain insightful observations, which aligns the research with the principles of phenomenology. Phenomenology, as a technique within qualitative research, focuses on exploring individuals' lived experiences and understanding the essence of their perceptions (Rao and Woolcock, 2003, s.168).

The choice of phenomenology was made due to its suitability for capturing rich and meaningful data in line with the research objectives. This approach enables a deeper exploration of the participants' experiences, shedding light on the human trafficking (Yıldırım and Şimşek, 2018, p.69).

It is essential to clarify that a literature review, while crucial for shaping the study, is not a research method but rather an integral part of the research process. It provides the necessary background and contextual information to support the chosen methodology.

3.4. Data Collection Tool

The data were collected using a standardized open-ended interview method, a type of interviewing method, a demographic survey and a semi-structured interview form. To ensure clear understanding of the interview data and to ensure that nothing was missed, the researcher tape recorded the interview and took notes at the same time. The participants were informed that the interviews were recorded and their consent was obtained. The transcription included no names, and no identifying information other than demographic data was collected or reported. While taking notes, the participants were informed that their names were not used, instead they were coded in letters such as "A, B, C, D, etc." to represent their names on the questionnaire.

3.5. Population and Sample

The study participant consists of fourteen (14) immigration experts who identify the most victims by conducting one-to-one interviews with potential victims of human trafficking throughout Türkiye. The critical case sampling technique, which is a form of purposeful sampling, was employed to select participants for the study. The results on the selected sample set were generalized to the study population.

3.6. Research Questions Set for Experts

The question set of our study consists of a question set of experts prepared for questioning the effectiveness of the fight against human trafficking practices through a self-assessment from the perspective of experts and for an assessment.

The study consists of a demographic survey of four (4) questions and an interview of seventeen (17) questions related to the three (3) main review fields.

The demographic survey includes the following questions: Professional experience, sex, age and education level.

Our study areas regarding the experts (I) are as follows:

- (I1) To define the knowledge level on human trafficking.
- (12) To define the challenges associated with identifying trafficking victims.
- (13) To understand the effectiveness of the services provided to trafficking victims.

3.7. Findings and Evaluation

The answers given by the participants to the question set are classified being divided into specific themes and codes. The obtained data will be interpreted in a way to reflect the perspective of the examined case from the point of view of the participant. By this means, the main problem inside may be understood.

3.7.1. Demographic Data Of The Experts

Table 1.1.: Proportional distribution of the experts' demographic information

	0-1 year	2	14.3%
Professional experience	2-5 years	3	21.4%
	6-10 years	9	64.3%
Gender	Male	3	21.4%
	Female	11	78.6%
Age	29 or below	4	28.6%
	30-39	10	71.4%
Educational level	Undergraduate	13	92.8%
	Master's degree	1	7.2%
TOTAL		14	

The demographic data of the experts participating in our study are given above. Most of them have a professional experience of 6-10 years. These data show that the majority of the immigration experts set on work at the date of the establishment of the immigration center.

Most participants consisted of women. This complies with the structure of the immigration center. This is because the majority of human trafficking victims in Türkiye consist of children and women, and most immigration experts are women since victims may communicate more effeciently with those of the same sex.

Considering the data regarding age, most immigration experts are aged between 30 and 39 years. Professional experience is directly proportionate to age.

Regarding the highest education level completed, 13 out of 14 specialists have a bachelor's degree, which is the minimum requirement for civil service, and only one has a master's degree.

3.7.2. Findings and Assessments of Knowledge Level on Human Trafficking (I1)

This part consists of four questions prepared to measure knowledge level of the immigration experts on human trafficking phenomenon. Responses to the questions were transferred through content analysis and descriptive analysis. The whole question set was posed systematically within a certain order.

The participants were first asked the question, "How would you rate your knowledge level on human trafficking?" and were asked to rate themselves between (1) too low and (5) too high. The responses given are provided in the table below:

Table 1.2.: Responses given to the knowledge level on human trafficking

Participant	Very low	Low	Moderate	High	Very high
Α					х
В		X			
С				X	
D			Х		
Е				X	
F					X
G				X	
Н				Х	
1				X	
J			X		
K				X	
L				Х	
M				X	
N			Х		

Self-assessments of the experts are positive in general. Of the 14 experts, two described their level of knowledge of human trafficking as "very high", eight participants described as "high", three participants described as "medium", and one participant described as "low". Considering that two participants have professional experience of less than one year, this finding can be deemed normal.

Although there are different approaches to the question "What do you think are the main causes of human trafficking?" that we have posed to understand the leading causes of human trafficking through the eyes of experts, the answers given still focus on specific categories:

Table 1.3.: The data regarding main causes of human trafficking

Codes	n	Participants
Economic reasons	10	A, B, D, E, F, G, H, I, L, N
War and geography	5	A, D, F, H, N
Despair	4	C, J, K, N
Non-functional families	7	E, H, J, K, L, M
Immigration	4	C, D, H, K

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Lack of education and backwardness of societies	4	C, D, J, N
Socio-cultural factors	5	A, B, D, F, N

Table 1.3 shows that the most significant cause of human trafficking from the immigration experts' perspective is economic reasons. The responses are mainly on the codes of economic reasons. People who leave their homes, homelands and families for better living conditions and migrate to other countries can easily be victimized by becoming vulnerable to abuse with the language barrier in a geography they do not know. Participant F's statement is vital in terms of understanding the reason for this phenomenon.

"The economic and social aspects of countries and the differences between them are the main reasons. In general, they migrate due to factors such as domestic disturbance, wars, economic reasons and social instabilities in their countries. They become vulnerable in the countries where they migrate. The reason for this is the language barrier. Whether it is because they do not know the legal regulations in that country or if they are hesitant about keeping up with the society, this can cause them to go down and be victimized." (F)

Another factor drawing attention here is family. This is because family is traditionally a critical support mechanism for individuals. In this sense, the absence or non-functionality of family paves the way for the individual's victimization. Participant J verbalizes this approach as follows:

"The main reasons for human trafficking... I mean an incredible unearned income is obtained from in terms of the trafficker through human trafficking. The victim's vulnerabilities at work: are despair, deception, and lack of education. The main reason is the absence of family. Family is very critical here; almost all of our victims have issues within their families. (J)

Human trafficking is a crime that may vary cyclically from region to region, from country to country and has different dynamics in itself. To understand how this phenomenon has emerged in Türkiye, we asked the participants "How does human trafficking emerge in Türkiye in general?"

Table 1.4.: Human Trafficking Outlook in Türkiye

Codes	n	Participants
Prostitution (sexual exploitation)	13	A, C, D, E, F, G, H, I, J, K, L, M, N
Labor force exploitation (forced labor)	10	B, D, E, F, G, I, J, K, M, N
Child marriage	6	A, B, C, G, H, N
Forced marriage	4	C, D, F, G
Child labor	5	A, B, C, L, M
Child fighter	2	B, F
Trading of organs and tissues	2	F, M
Forced begging	4	C, E, F, H

Table 1.4 shows that almost all kinds of human trafficking are seen in Türkiye, and the most common form of human trafficking is prostitution (sexual exploitation), internationally referred to as trafficking of white women. This is followed by labor exploitation, that is, forced labor, and there has been an increase in the cases of child marriages with the increasing number of asylum seekers in recent years.

"What we have pictured most is sexual exploitation. Sexual exploitation is at top according to official figures too. Yet, what we ignore is labor exploitation. I think there should be much more identification on labor exploitation. Actually, this is the same not only in Türkiye but also in the international conjuncture. In labor exploitation, people characterized as traders are influential people, usually employers. In this sense, will power of the states should be clearer. Another problem is that children are used in crimes and forced to begging, which is very crucial. At that point, we in fact contradict our social norms. This is because traffickers that we describe as exploiters can be the victim's mother or father" (K)

It is important that the participant K underlines labor force. This is because focusing only on sexual exploitation, mainly in human trafficking, may lead to ignoring other types of human trafficking. For example, labor exploitation may include inhumane working and living conditions as well as highly coercive conditions such as deprivation of liberty (preventing workers from leaving the workplace or making phone calls, etc.) and violence (Weitzer, 2014, p.7). In this sense, instead of a conceptual and static one, a more strategic and situational approach in the fight against human trafficking can be more realistic regarding field practices.

In addition, due to Türkiye's geopolitical position, the declaration of the leastwise number of child soldiers is one of the surprising and tragic outputs of the research. Participant B explains this as follows:

"In our province, we usually encounter child marriages, child workers and forced laborers. We had two victims named as child fighters. But this is not too much." (B)

3.7.3. Findings and Assessments on Determination of Human Trafficking Victims (I2)

This part conveys the responses to the three questions we have posed to reveal the difficulties related to the identification identifying of trafficking victims by content analysis and descriptive analysis in tables.

First, we asked the experts who fight against human trafficking "Who is called a trafficking victim?"

		Codes	n	Participants
		Forced labor		
Themes		Prostitution		
The	Target actions	Forced marriage		
		Child labor	4	A, E, H, M
		Removal of organs		

Table 1.5.: Description of human trafficking victim

	Threat		
	Violence		
	Pressure		
Mediating actions	Coercion	3	A, H, L
	Cheat		
	Exploitation		
Failure of intention	Generating income		B, C, D, E, F, G, I, J,
	Making exposed to crime	11	K, L, N
	Abuse		

Table 1.5 shows that the responses of the majority of respondents are gathered in codes under the theme of failure of intention. The statements of the experts who fight human trafficking one-to-one in the field and identify victims regarding their different perspectives are as follows:

"Contrary to the laws, I can perceive a victim. This is because there is no clear definition of victim in the law text or international conventions. More precisely, it is stipulated that a victim is defined through the element of the crime. When we define the victim, we define the abuse of people by using mediating actions in line with target actions as victimization." (H)

"We can give examples of those who have been brought to the country with specific promises or failing intentions. That is, those who are exploited can be called as victims of human trafficking. (B)

"A victim of human trafficking is the one whose labor or b ody is abused without his consent." (N)

"A victim of human trafficking is a person who is exploited, and unearned income is obtained on him against his will." (J)

After letting them define the victim, we asked our participants to share their experiences about how the victims fell into the traps of human traffickers, that is, how they were included in that crime, by posing the question, "How are the victims of human trafficking involved in this crime?"

Table 1.6.: The ways of including victims of human trafficking in crime

Codes	n	Participants
Domination	3	
Exploiting despair	7	C, D, F, I, J, K, N
Threat and violence	3	C, E, H
Deceiving with promises	9	A, F, G, H, J, K, L, M, N

Table 1.6 shows that the most common method used by traffickers is to deceive victims through promises. This is followed by exploiting the despair of people. From the experiences of the participants, we can list striking responses as follows:

"Several methods are used here. First of all, people are brought to the country through legal channels. They think that they will be employed under excellent conditions. They are told that economic opportunities are outstanding and then forced to work in these areas by seizing their passports after being brought into the country. Besides that, we see that people may be brought not to work, but for

purely emotional reasons in the cases we encounter. For example, after an emotional bond is established between them and their traffickers, they can be brought to Türkiye somehow and then forced to do that here. Or the victims may be forced to work illegally and are forced to do so b

"At that case, they have nothing else to do, so they join them in desperation or are deceived. In particular, they are deceived through promises." (J)

"Despair of people is abused. The control over that person can be misused. For example, abuse of control over the spouse. Alternatively, manners and customs can be influential. For example, in the case of forced marriages of children, their inability to object to their families or to being subjected to violence when they object, and their inability to resist this are major factors." (D)

"Fear and ignorance are the top factors, and they have no idea what will happen to them; they are afraid. Being in a foreign country, and the fearing deported plays an important role. Also, the ambition to make money can be very effective. For example, they come to be caretakers. They come from different countries to look after children or older people, but are subject to challenging situations. Their passports are torn, and they are burdened with dept. They are also afraid of territorial asylum. This is because they are foreigners and are afraid of being deported or jailed. This is what human traffickers abuse." (I)

As can be understood from the above examples of the experts' experiences, victims of human trafficking mostly come to Türkiye with a desire to have better living standards by working or marrying. Afterwards, their passports are confiscated, or they are victimized by being put under domination through threat, pressure, violence and coercion that are mediating actions.

When the experts fighting against human trafficking reach potential victims, who are challenging to reach or detect, unfortunately, the problem is not resolved. On the contrary, the main difficulties come after the victim is reached. This is because there are deficits in law, and some people use and abuse these deficits in this kind of crime, as in other crimes. In this regard, to understand the difficulties that immigration experts face in determining potential victims, the responses given to the question "What difficulties did you face while identifying victims of human trafficking?" are as follows:

3. 3. 3.						
Codes	n	Participants				
Difficulty of expressing due to repeated expression	3	A, D, L				
Difficulty of expressing due to distrust of officials	8	A, B, C, E, G, J, M, N				
Regarding oneself as an offender, not a victim	3	A, C, N				
Language barrier	2	E, F				
Difficulty of expressing due to the trauma	4	E, F, G, I				
Not being a victim but pretending to be so (consent)	4	F, H, I, K				

Table 1.7.: Difficulties faced while identifying victims

As seen from Table 1.7, the biggest challenge in identifying victims is that the potential victims do not want to testify, act timidly and do not cooperate due to the distrust of the officials. As a natural consequence of the trauma experienced by the victims, the inability to express themselves adequately also complicates identifying the victims. Furthermore, the victim identification process may become complicated in human trafficking, as in every crime, the fact that the suspect wants to hide, that is, he tries to show himself innocent by claiming that the individual has consented, or the people who are not victims pretend to be victims by using the deficiencies in the system. Though slightly, we observe

that there can be difficulties with a language barrier. Some of the statements focused on spesific codes are as follows:

"For example, I have got reports that I do not think I can reflect correctly when I read again. In particular, the concept of consent forces us, that is, you see that the tickets have been bought, brought and the person is met at the airport. A place is provided. But as soon as the woman says, "I already knew he was going to do this while I was coming" you come to a screeching halt. (K)

"First of all, we identify according to the declaration procedure, and there may be some negative conditions because the victims are under trauma. There may be some setbacks in their story. They cannot express themselves clearly, or there may be a language barrier. The victims may not trust us. They may not want to talk to us or to give us information. Once, we encountered a Moroccan with a speech and hearing impairment. So, we had a big difficulty finding a universal speech-language translator who could speak Arabic, that is, his mother tongue. We received support from international organizations." (E)

Participant E has stated, sometimes we may encounter events that are not covered in the literature and whose possibility does not even come to mind. This reveals the importance of our study in terms of exploration.

3.7.4. Findings and Assessments of the Services Provided to the Victims of Human Trafficking (I3)

This part conveys the responses to the three questions we have posed to measure the effectiveness of the services provided to the victims of human trafficking by content analysis and descriptive analysis in tables.

The Regulation on Combating Human Trafficking and Protecting the Victims within the scope of the LFIP entered into force by being published in the Official Gazette on March 17, 2016 as governing regulations. To understand what this regulation means in practice for the victims, we first posed this question to the immigration experts "What services are provided to victims of human trafficking within the scope of the Regulation on Combating Human Trafficking and Protecting the Victims law no. 29656?"

Table 1.8.: Services provided to victims of human trafficking within the scope of the regulation no. 29656

		Codes	n	Participants
	am	Asylum (sheltering)	12	A, B, C, D, E, G, H, J, K, L, M, N
	rogr	Legal support	5	A, E, F, H, M
	ort P	Translation	5	A, E, F, H, M
Š	Victim Support Program	Residence permit	8	B, C, F, G, J, K, M, N
Themes	s mi:	Health services	7	B, C, H, I, L, M, N
두	Vict	Psycho-social support	10	A, B, C, D, E, F, H, I, K, L
		Access to labor market (providing job)	6	E, F, I, K, M, N
	ع _ و ح	Return to home country	9	A, C, D, F, G, H, J, L, N
	Voluntary and safe return program	Return to a third country	2	A, D
	Voli and re pro	Subject to general provisions	2	A, D

Table 1.18 shows that the victim support services are discussed under two sections. The most commonly uttered response in the sub-codes of the themes created according to the two sections discussed was housing services, followed by psycho-social support and return to home country in the other theme. To better understand the services provided to the victims, the statements of the participants are given as follows:

"The services provided to the victims of human trafficking can actually be classified under two headings. The victim support program; and voluntary and safe return program. We fundamentally advocate that support programs are offered to asylums. This is because it provides the opportunity to sheltering. Also, we meet their basic needs, provide translation services, offer access to working life and provide psychological and social support. This is because a significant part of the victims has been traumatized and it is necessary to get rid of this psychological trauma to integrate them back into life. On the other side, advocacy, that is, legal support, is provided. Because, children accompany most of the victims who have settled in asylums, we make agreements with the study centers to ensure that the education of these children is not disrupted." (E)

"We have victim protection services, the first of which is support for voluntary return. The second one is that we help to settle the people we identify as victims in our asylums. Although they do not want to stay in the asylum, we can provide them psychological, economic and legal support. We can also provide translation services. However, if a victim does not want to benefit from any services, we consider him/her a foreigner subject to the general provisions, and we follow the normal procedures."

(A)

It is understood from the participants's statements that the services provided to the victims of human trafficking are sufficient.

The most significant factor that guides individuals, society and social events in the 21st century is undoubtedly technology, the Internet and social media. To understand the place of technology and the Internet in the human trafficking crime, we asked our participants, "How do you think technology such as the Internet, mobile phones and social media are used as a tool for human trafficking?"

		Codes	n	Participants
Themes	Emotional relationship (friendship)	Marriage sites Instagram Facebook TikTok Via a friend	6	A, B, C, E, F, H
The	Work promise	Babysitter Household and cleaning services Agencies Several works	9	D, F, G, I, J, K, L, M, N

Table 1.9.: The use of technology for human trafficking

Table 1.9 shows that human traffickers trap their victims under two different themes. The victims are trapped by human traffickers either while trying to find a job due to economic difficulties or to

attain better living conditions with the hope of an emotional relationship, that is, marriage. The outstanding statements of the participants are as follows:

"We face human trafficking more with the pandemic through the Internet, mobile phone and social media. We have even such a case: A mother has a child with hydrocephalus and is constantly calling for aid on the Internet. An organ trafficker takes advantage of the mother's desperation and communicates directly with her. He says, "You cannot save your child, if you want you can sell his organs, I can find a customer for you." Social media and the Internet are directly used here. This is because people share their special conditions without hesitation in a virtual environment. Since their vulnerability emerges more, traffickers exploit this." (E)

The narration of Participant E gives a striking example of "organ and tissue trafficking" a form of human trafficking not very common in Türkiye.

"Most cases we have encountered are related to the Internet, mobile phone and social media. For example, the victim has come to Türkiye believing the job postings on the Internet. (G)

The job postings on the Internet mostly fool those from Asian countries. In Moroccan citizens, we generally see the effect of marriage sites. For example, a woman aged 60 years came from a marriage site. The man confronted was very harsh. She was afraid and could not reflect her unwillingness to marry. When they went to the provincial migration management, our colleagues suspected her. They interviewed her and then understood that she was forced to marry." (F)

The statements of Participant F can be interpreted as a concrete indicator that in-company training significantly contributes to victim identification by raising awareness.

We tried to evaluate the services provided to the victims of human trafficking in Türkiye by posing the question, "How do you evaluate Türkiye's policies in the fight against human trafficking from the perspective of an expert in general, do you think they are sufficient?" We asked the participants to score from 1 "very bad" to 5 "very good". The table including their responses is given below.

Table 1.10.: Overall evaluation of the policies implemented in Türkiye in the fight against human trafficking

Participant	Very bad	Bad	Moderate	Good	Very good
Α				Х	
В		Х			
С			Х		
D			Х		
Е				Х	
F				Х	
G			X		
н				X	
1				X	
J			Х		
K			X		
L			Х		

М		X	
N		х	

According to Table 4.10, the vast majority of participants answered "medium", while there was no "very good" option, which draws attention. One participant opted for "bad". Considered together with the previous responses, the response given as "medium" in the majority of the evaluations made here can be considered as an inconsistency even though the participants found the laws on human trafficking and the rights granted to the victims sufficient and expressed a favourable opinion.

However, it is possible that the participants attributed the applied policies to the fact that the law enforcement agencies or other public institutions they reproached in the previous questions did not have adequate awareness of the issue rather than the activities carried out within the framework of the Directorate of Migration Management, and therefore made the overall assessment as "moderate".

4. Results

The crime of human trafficking has become increasingly widespread in recent years due to the Turkiye's geopolitical postion and the wold's cyclical situation.

Also, human trafficking, a dynamic crime, constantly changes and transforms. While human trafficking manifested itself as "slavery" in the early ages, it turned into "labor exploitation" after the Industrial Revolution. After the collapse of the Soviet Union, "trafficking of white women" became the most common form of human trafficking. Along with medical advances, organs and tissue trafficking cases gained momentum. On the other side, new concepts such as "forced marriage", "child fighter", "child influencer" emerged with the effect of globalization, local or regional conflicts and economic crises. However, the international literature does not clearly define these concepts on which everyone can agree. For this reason, there are still significant gaps in the implementation practices in Türkiye, which shapes its domestic law with international treaties and protocols.

The general aim of our study is to ensure the victims's visibility, and the special one is to understand what they experience during exploitation, which is one of the most closed aspects of human trafficking. In this sense, cooperation was made with 14 migration experts who worked in the Directorate of Migration Management, dealt with victims one-to-one in the field, interviewed them, tried to understand them, identified them as victims and gave them legal status, inevitable consequences were attained.

The critical case sampling technique, which is a form of purposeful sampling, was employed to select participants for the study. The data were collected using a standardized open-ended interview method, a type of interviewing method, a demographic survey and a semi-structured interview form. The choice of phenomenology was made due to its suitability for capturing rich and meaningful data in line with the research objectives. This approach enables a deeper exploration of the participants' experiences, shedding light on the humnan trafficking.

The study results show that Türkiye is considerably willing to fight against human trafficking, but partially successful.

This is because there are some incapacities at the implementation level, although national legal regulations comply with international instruments. One of the reasons for this is that all public personnel and the Turkish community in general who have or may have contact with victims of human trafficking do not have sufficient awareness.

Immigration experts have sufficient knowledge of "human trafficking" and can identify victims based on spesific indicators when they confront a case and follow a standard procedure identified.

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However, during the investigation and prosecution phase of the crime of human trafficking, sometimes judges and prosecutors are not sufficiently competent on the issue and therefore, "human traffickers" can be penalized not for "human trafficking" but for other crimes. Similarly, although the person is defined as a "victim", human traffickers who employ this person by force can only be punished for "employing workers informally" if the inspectors of the social security institution do not have sufficient information about the "human trafficking". This may result in new victimizations. Therefore, the fight against human trafficking should be done altogether. In short, it is clear that laws and regulations alone are not sufficient in the fight against this crime. Law enforcement officers should have an adequate level of education and awareness.

Furthermore, the results of the laws and regulations enacted or the policies implemented should be measurable with concrete data. While monetary policy or fiscal policy decisions in Türkiye can be measured in figures regarding outputs. Social policies often ignore this criterion. However, of course, there are ways and methods such as outcome evaluation, process evaluation, key performance indicators and longitudinal studies to measure the effectiveness of decisions made and practices regarding issues such as services offered to victims of human trafficking.

In conclusion, through the comprehensive implementation of purposeful sampling and rigorous qualitative methods, this study sheds a powerful light on the experiences of public professionals involved in the fight against human trafficking and the effectiveness of victim support program, underscoring the urgency of evidence-based interventions to combat this heinous crime and safeguard the well-being.

Araştırma ve Yayın Etiği Beyanı

Bu çalışma, Anadolu Üniversitesi Sosyal ve Beşeri Bilimler Bilimsel Araştırma ve Yayın Etiği Kurulu'nun 29.06.2021 tarih ve 80083 sayılı kararı ile bilimsel araştırma ve yayın etiği kurallarına uygun olarak hazırlanmıştır.

Yazarların Makaleye Olan Katkıları

1. Yazarın makaleye katkısı %50, 2. Yazarın makaleye katkısı %50'dir.

Çıkar Beyanı

Yazar(lar) bu makalenin araştırılması, yazarlığı ve/veya yayınlanması için herhangi bir mali destek almamıştır. Tüm yazarlar, bu çalışmada tartışılan konu veya materyallerde herhangi bir mali çıkarı veya mali olmayan çıkarı olan herhangi bir kurum veya kuruluşla hiçbir ilişkisi olmadığını onaylar.

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