**BM Genel Sekreteri’nin “Göçmenlerin İnsan Hakları” Başlıklı Raporu için Ülkemiz Katkısı**

**Actions and Practices on the Protection of Vulnerable Migrants**

**Victims of Human Trafficking**

Persons who are strongly suspected of being victims of human trafficking crime are identified as “victims” through an administrative action to be taken without waiting for the outcome of the investigation or prosecution, regardless of whether or not they are complainants. The persons who, as strongly suspected, are or may be victims but could not be interviewed due to psychological and/or physical problems during the identification process are interviewed during or after their recovery. Before the interview, people are informed about the crime of human trafficking and the rights that the people exposed to this crime could enjoy. In the interviews with the individuals, demographic features such as age, gender, nationality, residence, and signs of exploitation, body language, living conditions and their relationship with others are evaluated together.

If the victim is a migrant who does not speak Turkish, an interpreter is provided for the works and procedures to be carried out during the identification process, upon the victim’s request or ex officio by the Directorate. If the victim is a woman, it is preferable that the interpreter is also a woman. People, who are strongly suspected that they are or may be victims, cannot be deported during the identification process.

Victims are granted a **30-day residence permit for victims of human trafficking** by the governor’s offices so that they can recover from the events they went through and cooperate with the authorities. Within this period, it is essential for the victims to be accommodated in shelters. After the residence permit period, which is for them to recover and think, the residence permit can be extended after the evaluation regarding the foreigner for **successive** **periods of six months, not exceeding a total of three years.**

Furthermore, with the addition of the paragraph “victims of human trafficking” to the **first paragraph of Article 88 of Law on Fees No 496 dated 02/07/1964**, it was enabled for the victims of human trafficking to be **exempted from residence permit fees**.

With the **International Labour Law No. 6735 dated 13/08/2016**, it is aimed to ensure that victims of human trafficking are not discriminated in the labour market and disadvantaged. Within this context, it is stated in Article 16 of this law titled “Foreigners who may be granted work permit as an exception” that “victims of human trafficking may be granted work permit as an exception, being exempt from the criteria”. With the said arrangement, it is ensured that the foreigner who is given work permit is included in the social security system and can enjoy health and social security rights.

In accordance with the provisions of the Regulation on Combating Human Trafficking and Protection of Victims, physical, psychological and social support services are provided to the victims, in cooperation with relevant public institutions and organizations, taking into account their security and protection needs. Support services are mandatory to all victims of human trafficking in all circumstances, regardless of discrimination, taking into account the special needs of vulnerable people, including children. Article 28 of the said Regulation regulates the **support services** to be provided to victims;

* Accommodation at shelters or secure places,
* Access to health care services,
* Psychosocial support,
* Access to social services and aid,
* Access to legal aid and consultancy services and information regarding the legal rights of victims,
* Counselling on the access to education and training services,
* Providing support for vocational education and access to labour market,
* Counselling on the financial support pursuant to the provisions of Law No 3294 on the Promotion of Social Assistance and Solidarity dated 29/05/1986 to provide temporary financial support at a level to meet their basic needs
* Access to counselling services to be provided by the relevant non-governmental organisations and international and intergovernmental organisations,
* Interpreting/translation service,
* Informing the embassy or consulate of the country of which the victim is a citizen and providing opportunity for a meeting, if the victim gives consent,
* Assistance in identification and supply of travel documents.

Cooperation studies continue, including **vocational trainings** to prepare the victims in the fastest way to social life, especially by the İstanbul, Adana, İzmir, Antalya and Bursa Metropolitan Municipalities. Furthermore, works continue with non-governmental organisations on all kinds of cooperation models to provide services to victims.

Among the provisions of the Regulation on Combating Human Trafficking and Protection of Victims, there are also provisions regulating the **voluntary and safe return program**. The voluntary and safe return program may be implemented when the victim declares that he/she does not want to benefit from the support program while it is being implemented or upon his/her demand at the end of the program. If the victim consents, the authorities of the country, of which the victim is a citizen, are informed of the victim's return date and the human trafficking incident he/she was subjected to.

Cooperation was made with the General Directorate of Turkish Red Crescent in August 2018 to provide “**Turkish** **Red Crescent Card**” to victims of human trafficking so that they could adapt to social life more easily.

**Individuals Under Temporary Protection and Protection Desks**

Within the scope of the "Data Update Project" initiated by the Directorate General of Migration Management, **protection desks** were established in update centres. Protection desks maintains their activities within the scope of "Supporting Provincial Directorate of Migration Management Project".

Those among Syrians **who are considered to have special needs are directed to protection desks** and detailed discussions are held on their vulnerable state. Protection desks were established in an effort to ensure protection of fundamental freedoms and human rights, especially the right to life, through evaluating the conditions that people identified as having special needs are in, and to direct to the institutions providing access to legal solution mechanisms, psychosocial support, rehabilitation services, social and economic resources for the continuation of life and to monitor the procedures, as well as to respond to emergency cases by conducting urgency assessment (low risk, medium risk and high risk) after the first interview.

Syrian foreigners with special needs are evaluated by the Directorate General of Migration Management and those who meet the resettlement criteria are included in the scope of resettlement.

Within the scope of the relocation of Syrians to third countries, **the placement commissions** have been established under the Governorships, under the chairmanship of our deputy governors with the participation of relevant institutions in the provinces, to identify those with special needs.

Those with special needs are determined through the commissions, primarily “those with health needs, those with physical disabilities, victims of torture, women/children at risk, unaccompanied seniors over 65 and victims of sexual or social violence”.

Information about the foreigners detected is sent to the Directorate General of Migration Management by the Governorships to be notified to the United Nations High Commissioner for Refugees. These foreigners **are resettled** within the framework of the quotas determined by the countries.

**Rights and Services Provided for Migrants in Repatriation Centres**

After the decision to deport irregular migrants caught or detected within the scope of combating irregular migration, those who should be under subsequent surveillance are also sent to the repatriation centre, after an administrative detention decision is taken.

If foreigners, who are taken to the Repatriation Centre to be deported from our country, apply for international protection, their applications are received and their deportation proceedings are ceased.

Basic services are provided to ensure that those living in the repatriation centres live a decent life;

• Irregular migrants at the centre are provided with an area where they can rest with materials such as clean bed, bedsheets and pillows is allocated.

* Interpreters are provided if those living in these centres need to contact to the personnel or for their needs regarding hospitals and banks.

• In the centres, irregular migrants are given three meals a day (breakfast and two hot meals). Appropriate meals are provided for those with special needs by taking into account age of foreigners or the diseases they might have.

• The cleaning of the centres is done regularly by the cleaning staff every day. Materials such as sheets, blankets, etc. and dirty clothes of the foreigners are washed in the laundry in the centres and delivered to them by the officers.

• Irregular migrants have the opportunity to enjoy fresh air at least one hour a day. In this time period, they can access to the social areas such as garden, sports fields etc. if possible. Playgrounds have been built inside and outside the centre for children.

• Emergency and primary health services for irregular migrants living in the centre are provided by the General Directorate and the appointment of doctors and health personnel is carried out by the relevant governorship. A suitable health unit with favourable physical conditions has been established in the centres.

• Psychologists, sociologists and social workers who work in the provincial directorates where the centres are located are assigned to the repatriation centres and provide psychosocial support for those living there.

• The internal security of the centres is ensured by security officers, and the external security is provided by the general law enforcement officers, according to their area of responsibility.

• Canteens were established to enable irregular migrants to get food and cleaning supplies or other needs.

• Banners including rules to be followed and information leaflets on legal rights and procedures were prepared for foreigners living in the centres in seven different languages and put into service.

• Public pay phones, accessible for the use of those living in the centres, are located in the appropriate areas of the centre. Phone cards are provided for foreigners in need.

• Suggestion and complaint boxes for foreigners located in appropriate areas are checked at certain times.

• It is possible for the those living in the centre to meet with their legal representative and lawyer. It is also possible for irregular migrants to access the centre’s TV rooms and bookshelf/library. It is ensured that bookshelf and library are provided with books and other printed publications in the languages for those who live in the centre.

• Prayer rooms were built for those living in the centres and the required materials are available. Necessary facilities are provided by the central directorate for organizing collective ceremonies on demand during religious days and holidays. Upon request, a religious officer can be invited to the centre with the permission of the director of the centre.

**Developments Regarding the Protection of the Human Rights of Migrants In Accordance With the Implementation of Global Compact for Migration**

Entry, registry, identification, access to rights and services, accommodation, financial aid provided to the temporary accommodation centres (TAC), Kızılay kart (a card provided by Turkish Red Crescent) etc.

One of the most fundamental principles of Turkey’s migration policy is the **non-refoulement principle.** It is clearly stated in the Law on Foreigners and International Protection that the foreigners cannot be sent back to a country, in which they will face persecution. The Syrians admitted into Turkey are taken under temporary protection and those who entered into Turkey by any means and who demand protection are never sent back, and their registration and identification procedures are carried out.

Turkey strongly supports the principle of non-discrimination emphasized in the Compact.Our national legislation fully complies with the anti-discriminatory approach towards migrants and ensures that everybody is treated fairly and equally under the law. In order to counter anti-migrant rhetoric, we attach great importance to initiatives aiming to enhance public awareness towards migrants and end racism, xenophobia, islamophobia and stigmatization against all migrants.

We are members to all the key international agreements aiming to prevent discrimination against migrants including International Convention on the Elimination of All Forms of Racial Discrimination which was specifically emphasized in the Compact and continue to carefully implement their provisions.

**Rights and Services Offered to the Individuals in Turkey under International Protection and Temporary Protection**

* The Syrians, which are under the temporary protection in our country can, without any charges, directly go to the **healthcare providers** of Ministry of Health or its subsidiaries in the city where they have a registered address. They can get services from public hospitals **directly**, and from university hospitals or private healthcare providers (i.e. medical centre, hospital) by way of **referral.**
* The applicant or the status holder and the family members can benefit from primary and secondary education services free of charge.
* **The best interests of the child** are taken into account in all the procedures regarding children.
* The **training activities** for the foreigners under temporary protection is carried out under the control and responsibility of Ministry of National Education inside and outside of temporary refugee centres. It is compulsory for pre-school and first grade students to enrol in a public school. Fifth and ninth grade students are referred to public schools and other students can enrol to the public schools in an upper grade after an intensive Turkish education.
* The foreigners under temporary protection can apply for a **work permit** after 6 months from their date of registry.
* If they cannot afford the attorney fee or other expenses, they can apply for **legal aid** by applying to the bar of the city they reside in.
* They can enter into a subscription agreement for the services, including electronic communication service with the **foreign ID number** given to them.
* If they cannot meet their basic needs, they can request food, clothes or fuel from the registered Social Assistance and Solidarity Foundation, Municipality and Turkish Red Crescent at their residence addresses.
* Those who do not have a health insurance or ability to pay are included in the scope of Social Security and General Insurance Law no. 5510 and their insurance premiums are paid by Directorate General of Migration Management.
* Necessary measures are taken under the applicable law for those who have the possibility of being **a victim of human trafficking**.

After they are registered, the Syrians, who are not residing in an existing refuge centre, are allowed to reside in another place in the city they wish to reside by means of “Temporary Protection Identity Card” issued to them, except for a temporary refuge centre.

Since **January 2017,** the identity and biometric data of 3.5 million Syrians under temporary protection have been updated.

Since **January 2017,** the current ID cards of the foreigners under International protection and temporary protection in our country were replaced with secure ID cards.

**Challenges And Best Practices in Identifying Missing Migrants And Ensuring Access to Information And Justice To Their Families**

In order to identify missing migrants in our territories, our National Police Forces posseses specifically designed sub-units.

Processes pertaining to the adult migrants reported as missing are handled by “Departments for Missing Persons” under the Public Security Branch Offices; whereas processes pertaining to missing children migrants are handled by “Departments for Children” under the Missing Children Branch Offices of the Police Forces.

Our authorities provide regular and periodical trainings (identification techniques, coordination, referral etc.) to the personnel working on cases related to missing migrants. Investigations on missing persons are conducted by these trained experts.

In order to speed up the process of finding and identifying the missing migrants, the persons who are reported as missing by third parties are searched through the Electronic Information System of the Police Force throughout the country.

Moreover, within the framework of “Missing Persons Alarm” Project, descriptive information on missing migrants and their photographs are a) sent to the phone-users residing in the area where the migrant is assumed to be lost through SMS (short message service) or MMS (multimedia messaging service); b) published/broadcasted through social media. This way, our authorities increase the opportunity to reach the missing migrants as early as possible and reduce their likelihood to encounter life threatening situations while they are lost.

Within the framework of “Odor Molecules Tracking Dogs” Project, persons’ attributes to possess unique scents which can not be covered is utilized and missing persons are attempted to be found by the trained dogs directed by expert Officers.

Our National Police Forces work in close cooperation with INTERPOL and EUROPOL through efficient identification of lost migrants. In this regard, missing migrants sought at the international level are registered with a special code in coordination with Europol and Europol in order to facilitate the investigation process for migrants. Our Police Forces continues to contact with neighbor countries and international organizations in order to enhance the effectiveness of the investigation processes.