ASSESSMENT OF RETURN AND REINTEGRATION ASSISTANCE

An analytical report

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Activity 4.1 of the EU Twinning Project 'Strengthening Institutions in the Fight Against Trafficking in Human Beings'

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1. Introduction

This report represents the outcome of Activity 4.1 ('Assessment of return and reintegration assistance') under Component 4 ('Developing return and reintegration assistance') within the framework of the EU Twinning Project 'Strengthening Institutions in the Fight Against Trafficking in Human Beings', which is jointly implemented by the Turkish National Police, the Berlin Criminal Police Agency and the Boltzmann Institute of Human Rights in Vienna.

The overall objective of Activity 4.1 is to contribute to the development of the National Strategy on victim assistance and support.

Component 4 addresses both, voluntary or involuntary returns of trafficked persons to their country of origin. Reintegration assistance aims at assisting the person to integrate into society after returning to her/his country of origin. Such assistance should include offering services such as reception facilities, psychological counselling, social assistance, including dealing with domestic bureaucracy, vocational training, assistance in job finding, or access to micro credit programmes. Component 4 thus encompasses the return and reintegration of two categories of victims: foreign nationals who are to be repatriated to their home country, as well as citizens who were trafficked abroad and return home.

The report constitutes the results of an assessment of the existing situation with regard to return and reintegration assistance in Turkey, which was carried out by two EU Member States short-term experts during their visits in Ankara (1–5 May 2006 and 21–26 May 2006). It is based on interviews with Turkish stakeholders and experts as well as on the review of documents. The following institutions and organisations kindly made their time available for meetings with the research team:

Turkish authorities
- Turkish National Police (TNP)
- General Command of the Gendarmerie
- Ministry of Foreign Affairs, Department of Asylum and Migration
- Ministry of Foreign Affairs, General Directorate for Expatriate Turks, Migration, Asylum and Property Issues

Turkish Non-governmental organisations
- Foundation For Women's Solidarity (FSW/KDV)
- Human Resource Development Foundation (HRDF/IKGV)

International/National Institutions
- International Organisation for Migration (IOM)
- UN High Commissioner for Refugees (UNHCR)
- Red Crescents

Embassies
- Embassy of Belarus
- Embassy of Bulgaria
- Embassy of Georgia
- Embassy of Romania
- Embassy of the Russian Federation
- Embassy of Switzerland

- Embassy of Ukraine

During the interviews the research team was guided by the following question:

- General assessment of the present situation with regard to return and reintegration assistance?
- What is the structure and mandate of the respective organisation/institution (e.g. institutional framework; competencies; activities; target group of initiatives; specific measures for children; cooperation with partners;)
- How is return and reintegration in the country of origin organised (e.g. practices and procedures of returning victims; risk assessment; legal protection; arrangement for basic necessities before, during and after travel; access to reintegration services/assistance programmes; funding of programmes, funding of travels; handling of vulnerable persons; actors and partners involved and division of responsibilities; coordination/cooperation mechanisms including formalized agreements;)?
- Which mechanisms are in place to carry out monitoring during and after return?
- What are the strengths, challenges and gaps concerning the procedures and practice of returning victims?

The assessment report places emphasis on specific areas that are of relevance for the evaluation of the return and reintegration process as well as addresses cross-cutting issues. In addition, it offers concrete recommendations, which should assist Turkey in its efforts to help trafficked persons returning home in safety and with dignity and to ensure sustainability of return.

As return and reintegration assistance are specific features of the broader concept of victim assistance and protection, the report builds up on the findings of Activity 3.1 ('Assessment of victims assistance and support'). Therefore, wherever applicable references is made to the assessment report on victim assistance and support of Activity 3.1 (hereinafter 3.1. Report), also to avoid any duplication.

2. Victim identification

As outlined in the 3.1. Report, identification of trafficked person is the crucial component in each National Referral Mechanism, including the return and social inclusion programmes[1].

Identification of trafficked persons in Turkey is mainly performed by the TNP and the Gendarmerie. Occasionally persons, who directly contacted the Embassies, had been identified as victims of trafficking by the Embassies. Depending on the situation of the trafficked person TNP was notified. In addition, the research team was informed about two trafficked persons who were identified during an interview on voluntary return in detention facilities.

Some police authorities stated that the distinction between smuggling and trafficking in human beings is clear while others reported that there is a need to direct their attention to raising awareness among the authorities.

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[1] Kartusch, Reiter, Uhl: Assessment on Victim Assistance and Support. An analysis of the National Referral Mechanism in Turkey. Ankara 2006. p.20

The identification procedures are usually conducted on the spot. The research team learned that identification of trafficked persons is not a time consuming process. In some areas, however, it may take a couple of days. During this period presumed trafficked persons are accommodated either in women shelters, guest houses or any other premises of the Gendarmerie depending on capacities. Children are brought to specialized facilities.

Statistics
According to Government statistics some 239 trafficked persons were identified in 2004 and 256 in 2005. While during this period a significant increase was noticed in the numbers of persons originating from Ukraine (26 in 2004 and 78 in 2005) and Uzbekistan (5 in 2004 and 10 in 2005), the numbers of persons from Russia (61 in 2004 and 26 in 2005), Azerbaijan (23 in 2004 and 13 in 2005) and Georgia (16 in 2004 and 7 in 2005) decreased. At the same time the numbers of persons from Moldova (62 in 2004 and 66 in 2005), Kazakhstan (9 in 2004 and 8 in 2005) and Romania (11 in 2004 and in 2005) remained almost the same. In 2006 a total of 106 trafficked persons were identified during the first four and a half months of whom the majority came from Moldova (29), followed by Russia, Ukraine (both 18) and Kyrgyz tan (17).

Areas of concern and challenges
Even though all interviewed stakeholders communicated a profound understanding of the complex issue of human trafficking, they saw some challenges as well.

A number of interviewees stated that in some cases identification of trafficked persons is not carried out in a traceable and transparent manner. There is an assumption, though, that not all trafficked persons are being recognized and have access to social support in Turkey.

While most of the interviewees claimed that all trafficked persons do have the wish to return immediately, representatives of Turkish authorities strongly believed that the majority of trafficked persons would rather like to stay in Turkey.

Furthermore, some interviewees were concerned about the lack of self-identification among victims. Due to the severe social pressure and moral attitudes in the countries of origin and destination, victims frequently prefer not to expose themselves as being trafficked. The feeling of shame causes a reluctance of returning back home.

Some Embassies reported a decrease of requests for issuing travel documents for victims. It is suspected that a growing number of trafficked persons are allowed to keep their passports. This might cause to raise the confusion within the identification procedures.

Almost all interviewees confirmed the need for a smooth approach to presumed trafficked persons in order to overcome their fears and to build up trust. In addition, the use of professional interpreters to assist trafficked persons would ease the identification procedures.

Some interviewees referred to a series of similarities between protection and assistance needs of refugees and trafficked persons. Bearing in mind that due to their vulnerability refugees and asylum seekers may be subject to trafficking and that trafficked persons may be eligible for refugee status the link between these two regimes should be further developed.

Even though Turkish authorities confirmed that trafficked persons are not being deported, it is generally acknowledged that presumed trafficked persons might also be among deportees.

However, in detention centres they face difficulties in getting access to appropriate counselling and subsequently may not disclose their situation to the authorities. If counselling services, provided i.a. by NGOs, are also made available to deportees, potential victims of trafficking will be easier identified.

3. Stay in Turkey versus return

a) Accommodation pending return

Identified victims of trafficking are accommodated in one of the two shelters (Istanbul and Ankara) until their return (for details see 3.1. Report). If a trafficked person is found in one of the provinces, TNP may accommodate him/her in a guest house.

Usually IOM initiates the return procedure. In case IOM assesses that the trafficked person is not eligible for its return programme, the TNP offers the presumed trafficked person to stay in the shelter. The trafficked person can then apply for a residence permit, otherwise the return is initiated by the TNP.

b) Counselling

A lawyer from KDV provides legal counselling for trafficked persons in the shelter in Ankara. Legal counselling services are also offered by HRDF to trafficked persons in Istanbul. Psychological and social counselling is provided in the shelters in Istanbul and in Ankara by HRDF and KDV respectively (see also 3.1. Report). None of the two NGOs is involved in counselling on return as their participation in the return procedure is basically limited to the provision of operational assistance (e.g. transfer of trafficked persons to the shelter or the airport; accompanying victims to health services, consulates;).

c) Reflection period/willingness to return

Identified victims of trafficking spend the time required for the arrangement of travel documents at the shelters. Due to the fact, that there is no formal reflection period in Turkey, the trafficked person - once she decided to return - is in a preparatory phase for return during her stay in the shelter. However, all interviewees stated that the victim can change her decision to return during this period. Therefore, some elements of a formal reflection period are covered.

Conflicting information was received as to the willingness to return. While some interviewees clearly stated that the majority of trafficked persons wish to remain in Turkey, i.a. because of their bad experiences in their home country of which they are afraid or/and because of better opportunities in Turkey to live a normal life, others claimed that all want to return home, unless they are in the process of getting married in Turkey.

Despite this discrepancy most interviewees mentioned that more social inclusion assistance is needed in Turkey (see also 3.1. Report).

d) Risk assessment

Since the return of trafficked persons is based on voluntariness the TNP conducts a comprehensive risk assessment only if there is a strong suspicion that organised crime is involved.
In case security concerns exist the trafficked person can stay in Turkey.

IOM staff interview the trafficked person in order to ascertain if s/he is eligible for admission to the IOM return and reintegration programme. During these interviews standardised questionnaires (i.a. one related to criminal intelligence and one related to victim assistance) are used for the risk assessment. In addition to the statements of the trafficked persons information is also obtained from the police as well as from IOM missions abroad. The NGO KDV operating the shelter in Ankara has to submit personal information on trafficked persons to IOM too. Concern was expressed that this procedure may put trafficked persons at risk as the information is to be forwarded per e-mail without being encrypted.

The personal data and information provided on the basis of these questionnaires is stored in the IOM worldwide database on trafficked persons, which is accessible to all IOM missions.

4. Return of trafficked persons

a) Voluntary return of identified victims of trafficking

   i) Return procedures (IOM, TNP, spontaneous returns)

There are three different return procedures in place at present.

The majority of identified trafficked victims return home through IOM return and reintegration programmes. IOM provides funding for return, travel and reintegration, hence it builds the bridge between the countries of origin and destination. Prior to return IOM communicates the data of its clients in an encrypted manner to the IOM representation in the country of origin. Once all travel arrangements are completed the trafficked person is accompanied to the airport. IOM personnel also provides transit and escort assistance. Upon arrival in the home country IOM staff receive the trafficked persons at the airport. The trafficked person has the option of going directly to the shelter or at a later stage.

The TNP facilitates voluntary return of trafficked persons, who are considered victims of trafficking by the TNP but not by IOM or who do not wish to be repatriated by IOM. In such cases the travel arrangements are made by the TNP and requests for the issuance of travel documents are forwarded by the Ministry of Foreign Affairs to the respective Embassy. Costs related to travel are mostly being paid by the TNP or the Embassies. Only on 1 May 2006 a trafficked person from Russia was assisted by TNP to return home.

In general, most Embassies highlighted the good cooperation with the Turkish authorities and with IOM.

Where necessary trafficked persons are referred to the Embassies by IOM and/or the Turkish Government in order to get specific assistance (e.g. issuance of travel documents; provision of security upon arrival). In some instances the Embassies are directly requested by trafficked

persons to help them returning home. Although it seems to be the easiest way to return trafficked victims through IOM programmes, the Embassies usually give consideration to the fact that some trafficked persons do not wish to be exposed as victims but rather prefer to return home as 'normal citizens', merely supported by their Embassy.

Many Embassies have funds available to assist their citizens and do not necessarily differentiate between trafficked persons and other citizens. The Embassy of Georgia even has specific funds allocated to support trafficked persons, who wish to return home. From time to time Embassies (e.g. Georgia, Russia) also met the costs for accommodation in Turkey pending return. If requested, some Embassies also give trafficked persons contact details of NGOs providing assistance and counselling for trafficked persons in the home country and/or offer their services to arrange for security and other specific needs upon return (e.g. Georgia, Russia, Belarus, Ukraine).

ii) Travel arrangements

Medical check (see also 3.1. Report)
According to IOM, IOM member states request a medical check for all stranded migrants, including trafficked persons, prior to voluntary return. Thus, a 'fit-for-travel' form has always to be completed. If a trafficked person refuses to undergo this medical check s/he cannot be returned under the programme. It is not sufficient that the trafficked person assumes full responsibility for her/his travel.

IOM considers the medical check extremely important to determine the trafficked person's capability to travel in order to avoid that potential chronic or mental health problems of the individual endanger other passengers on board. Moreover, the medical check is regarded as an integral part of a risk assessment.

In Istanbul a physician from HRDF conducts medical checks and prepares the 'fit-for-travel' report for IOM prior to the departure of the victim. In Ankara a doctor visits the shelter twice a week for this purpose.

Issuance of travel documents
Requests for the issuance of travel documents are forwarded to the Embassies either by IOM or by the Turkish Ministry of Foreign Affairs or directly by the trafficked persons. In certain instances Embassies have to get directly in touch with the applicants. For security reasons the Embassies have no access to the two shelters. Contact with the trafficked persons is then being established via the shelter management.

If the trafficked person has no ID card the Embassy has to determine her/his identification before it can issue a travel document. Sometimes the procedure takes longer, particularly when wrong names are presented.

Some Embassies stated that the number of requests related to the issuance of travel documents decreased, presumably because traffickers more often allow their victims to keep their passports.

iii) Statistics

According to the statistic of the Turkish Government some 82 trafficked persons voluntarily returned to their home country between January and mid May 2006, of whom the majority

came from Moldova (25), followed by Russia (18), Ukraine (14), Kyrgyzstan (12) and Uzbekistan (9). In 2005 a total of 220 trafficked persons were returned from Turkey. The majority originated from Ukraine (67), Moldova (63), Russia (29), Kyrgyzstan (20), Uzbekistan (11) and Romania (11) while in 2004 only 61 trafficked persons were brought back. More than half of them came from Moldova (34).

b) Involuntary return of trafficked persons

If a trafficked person is identified in Turkey s/he is not deported. However, trafficked persons who are not identified in Turkey may be subject to deportation if their stay is illegal in Turkey.

The Ministry of the Interior/General Directorate of Security is responsible for the conduct of deportation procedures. All illegal migrants are therefore transferred to the police for further process. On behalf of the Ministry of the Interior the Provincial Governors decide on the deportation procedure, which is an administrative procedure. Deportees as well as potential deportees (i.e. persons whose procedure is still pending) are accommodated in guest houses.

In case a trafficked person is identified during the implementation of the deportation decision s/he will no longer be considered a deportee but a trafficked persons and subsequently will receive the required protection and assistance (accommodation in a shelter, etc). The procedure for a safe return will then be initiated and the deportation decision will be cancelled. So far no such cases are known, although it is likely to happen in future.

Embassies stated that they are usually not informed on deportations. Turkish stakeholders, however, stated that the 1963 Vienna Convention on Consular Relations – to which Turkey is also a Party – stipulates that if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. As a consequence, Turkey is fully implementing this obligation.

Belarus
Belarus nationals are also deported by ferry to Odessa.

In order to avoid the possibility that victims of trafficking are among deportees, interviews are suggested to be conducted by the Embassy officials before the deportation. The excessively increasing number of deportations of mainly women supports the assumption that some deportees might be trafficked persons. One possible indicator for being a victim of trafficking reportedly is the lack of money and appropriate clothing of deportees.

Georgia
The number of trafficked persons among deportees is believed to be relatively small. The Embassy has requested the police to inform them on each deportation.

Ukraine
Between January and March some 70 persons were deported from Turkey to Ukraine, basically to Odessa and Kiev. Some Ukraine nationals are deported to Soci/Russia.

Swiss return programme
The Swiss return programme began in 2003 and is fully funded by the Swiss Government. A contract was signed with ADF (Anatolian Development Foundation) and the Turkish Ministry of the Interior. In 2005 some 55 persons were returned under the programme and five persons in 2006.

Candidates for the programme are selected by the Swiss from lists of deportees, who – according to the police - wish to return to their home countries. These lists are provided by the police. In order to ensure that their return is based on voluntariness all candidates are interviewed by the First Secretary of the Swiss Embassy prior to initiation of the return process. Only after the interview the ADF is requested to organise their travel and the police will organise transportation to the airport.

The Turkish Ministry of the Interior only allows persons proposed on their lists to benefit from the programme.

Initially the caseload comprised mostly citizens from China, while in the meantime also citizens from Central Asian countries and Northern Africa were returned. The programme is not designed for citizens from neighbouring countries. The main reasons for return were related to illegal work and transit migration.

Among those proposed by the police two cases were identified by the Swiss as trafficked persons. They were dealt with under the National Referral Mechanism.

Respect for the principle of non-refoulement
According to the TNP an assessment of the principle of non-refoulement is carried out prior to each deportation. It was argued that the principle of non-refoulement is not applied in cases of identified trafficked persons as they are only returned an a voluntary basis.

c) Return of trafficked persons to Turkey

According to the TNP the phenomenon of trafficked persons originating from Turkey does not exist. Although some interviewees stated that they have heard about such cases no concrete information was produced on this issue.

Concerning the recently published report of the United Nations Office on Drug and Crime (UNODC) called ' Trafficking of Persons - Global Patterns' the Ministry of Foreign Affairs is planning to approach UNODC for clarification on the information and data related to Turkey as the Turkish Government had never been asked to provide any input. Much to the surprise of the Government, Turkey is listed among the countries of origin.

5. Reintegration assistance and social inclusion in country of origin

The research team learned about two ways of organising reintegration assistance in countries or origin. The majority of trafficked cases is returned and reintegrated with support of IOM. They offer transport assistance as well as counselling and reception or follow-up assistance in the country of origin. In Moldova, for instance, trafficked persons returned under the IOM programme are entitled to reintegration assistance, including shelter, psychological counselling, medical assistance, legal counselling and vocational/educational training with a focus on non-gender specific programmes.

A second way to return trafficked persons is carried out by the Ministry of the Interior in cooperation with the respective Focal Points in the countries of origin. The Focal Points have been appointed within the framework of bilateral agreements.

Insufficient information was provided regarding reception facilities and reintegration programmes for victims, who were returned through this bi-lateral path. In some instances it was mentioned that upon return trafficked persons have access to the same assistance schemes, which are available for all other citizens. If needed, they can request the police for protection and are free to contact NGOs specialised in the field of trafficking in human beings. Certain countries have developed special programmes supporting civil societies in their efforts to promote social inclusion of trafficked persons.

Areas of concern and challenges
The majority of interviewees expressed a need for improved cross-border cooperation for the law enforcement sector as well as for the non-governmental cooperation. NGOs articulated the need to build up direct cooperation with NGOs offering shelter and social inclusion programmes in countries of origin.

Even though governmental and international institutions are conducting some risk assessment, a joint approach of collecting information is missing. Moreover, the information gathered from the victim is not shared with relevant stakeholders, such as the shelter providing NGOs. IOM, for instance, uses standardized questionnaires to assess the situation and needs of the victim as well as to document the elements of crime.

6. Re-trafficking

Even though the majority of stakeholders confirmed the risk for victims of being re-trafficked, only a few cases on re-trafficking have been documented.

7. Cross-cutting issues

The following chapter addresses issues that are relevant to all phases of the return and reintegration process.

a) Minors

In 2006 three minors were identified as victims of trafficking. Seven trafficked minors were assisted in 2005.

b) NGOs

All interviewees expressed the need to strengthen the capacities of NGOs to enable them to provide return and reintegration assistance for victims. The role of NGOs in anti-trafficking policies has been acknowledged by international and regional standards, such as the Council of Europe Convention on Action against Trafficking in Human Beings and the OSCE Action Plan to Combat Trafficking in Human Beings.

Turkish stakeholders emphasised the necessity to build up capacities in the following areas:

- More NGOs should be trained on the specific needs of trafficked persons in order to have the required skills and knowledge for the implementation of social assistance programmes and for the provision of counselling services throughout Turkey;
- An NGO network should be established in Turkey enabling NGOs to cooperate and coordinate in an effective manner;
- Cooperation between NGOs in countries of origin and destination should be established in order to ease return und reintegration assistance for victims;
- Sustainable funding is needed to ensure capacity building among NGOs;
- NGO cross border cooperation should facilitate monitoring and follow-up on the well being of returned victims.

Finally, it was expressed that with more NGOs actively participating in anti-trafficking measures the quality of services could be improved and victim support standards would be raised. Furthermore, it would support the Government in its efforts to provide adequate protection and assistance to all trafficked persons in Turkey.

c) Information exchange

There are different levels and sectors of information flow within Turkey and across the border. A major instrument for information exchange is the National Task Force on combating trafficking in human beings (see 3.1.Report).

The Organisation of Black Sea Economic Cooperation (BSEC) is regarded as a useful tool to exchange information at governmental level. It is viewed, however, that the flow of information in the region as well as at bilateral level needs to be enlarged.

In cooperation with the Ministry of Foreign Affairs, IOM developed an electronic mapping of humanitarian anti-trafficking programmes throughout the Black Sea Region, which is in a pilot stage. In cooperation with the Turkish BSEC the data will be made available online in the coming months. Furthermore, the database will also provide an overview on trafficking trends as well as information on socio-economic factors.

d) Data collection

Personal data of trafficked persons is stored by police authorities, IOM and NGOs. Information received through the 157 help line is being referred to the police authorities. In addition, IOM operates an internal database, called CTM, where information on trafficking is stored, including personal data of some 10 000 trafficked persons worldwide. The database is integrated into the "MIMOSA"-system that monitors and stores information about

migration movement in general. This information cannot be accessed by country missions but by IOM Geneva.

No copies of the questionnaires, which form the basis for IOM data collection, are given to the TNP.

Some interviewees expressed concern about practices related to the transmission and sharing of personal data and information. NGOs operating the shelters stressed that it would facilitate the work of their staff who support the victims if the information collected by IOM could be shared with them. Thus repeated interviews with trafficked persons by different actors could be avoided (see 3.1. Report).

e) Cooperation and coordination mechanisms

Cooperation with the black sea region is generally being developed. Some interviewees were of the opinion that the BSEC project, which is based in Istanbul, may serve as a good platform to improve cooperation in the field of trafficking in human beings. It was recommended to enlarge the BSEC cooperation, involving also Western European Countries and to exchange experiences with these countries. Others were more sceptical as to the role of the BSEC in this regard.

Regional cooperation and initiatives
The General Directorate on the Status of Women is currently preparing a cross border meeting, which not only involves Government officials from various countries but also representatives from NGOs. An inaugural meeting will be held in June in Antalya gathering shelter providing NGOs from the Black Sea region.

The TNP established national contact points in countries of origin, which are based in the respective national police departments, namely in Ukraine, Belarus, Moldova and Georgia.

IOM has signed a MoU with BSEC.

Bilateral agreements/protocols
From the Turkish side representatives of the Ministry of Foreign Affairs, Ministry of the Interior and Ministry of Justice participate in negotiations on bilateral agreements. The Protocols in place are based on Security Agreements against transnational organised crime. At present four bilateral agreements exist, namely with Belarus, Georgia, Moldova and Ukraine. It is hoped that agreements with other countries will be signed in future, though in principle these agreements are not necessarily needed in order to return trafficked persons. Where existent, however, return procedures are accelerated.

Not all bilateral agreements are yet fully implemented.

Readmission Agreements
The MFA proposed to conclude readmission agreements with 32 countries but only five were signed so far. The countries concerned are Greece, Kyrgyzstan, Romania, Syria and Ukraine.

NGOs
In 2005 a project on cross border cooperation for efficient victim assistance involving NGOs in Bulgaria, Serbia and HRDF was launched. In 2004, HRDF together with the Catholic

Relief Service from Bulgaria organised an international meeting on the cooperation between NGOs and law enforcement agencies on combating human trafficking. The main objective was to explore and identify opportunities of cross-border cooperation among law enforcement agencies and NGOs in Bulgaria, Turkey, Romania and Moldova.

In 2003, HRDF has started its networking with NGOs. As a result, a database of NGOs has been established allowing for an exchange of information.

Areas of concern and challenges
All interviewees stated that there is a need for more bilateral agreements and mutual exchange with countries of origin. This should be as well be expanded into the exchange of intelligence related information.

Cooperation with border authorities on administrative border control, particularly concerning exchange of information should be improved.

Cooperation and information flow among national and international actors involved in the field of trafficking in human beings as well as the National Referral Mechanism should be further elaborated (see 3.1. Report).

f) Training and Awareness raising

The majority of interviewees conduct training and elaborate training curricula i.a. in the following areas:

- UNHCR provided training on the refugee definition, which also included questions related to circumstances under which victims of trafficking may qualify for refugee status. In addition, training was delivered to border officials on asylum and gender issues. A UNHCR information note for non-Europeans seeking asylum in Turkey will soon be finalised. It also provides information for victims of violence including trafficked persons on how to obtain immediate help.

- The TNP provides in-service training and training in cooperation with IOM and HRDF. Border guards are informed about human trafficking on the basis of training and are provided with guidelines on combating trafficking in human beings.

- IOM and the General Command of the Gendarmerie jointly conducted training activities and seminars focussing on issues such as victim identification and return procedures. Gendarmerie staff underwent a series of comprehensive training activities within the framework of in-service training, mobile teams and the Gendarmerie school aiming at promoting a victim-friendly approach. The results have proved useful as victims easier build up trust.

- Under the Command of General Staff two types of training in the fight against trafficking in human beings were conducted under the auspices of the training centre for partnership for peace (PFP). These included cross-border training activities for law enforcement units as well as team visits in countries of origin.

- In 2004 HRDF has implemented a training programme for law enforcement and judiciary staff. The programme focused i.a. on the basic concepts of trafficking in

human beings, its motives, consequences and mechanism, international and national legal instruments, and guidelines on working with victims, cooperation and coordination among key players, victim assistance programmes and the role of NGOs in this area.

Awareness raising
- Two handbooks have been drafted by the TNP and the Gendarmerie for their staff, which are expected to be issued next month. The handbooks include i.a. information on victim identification (in countries of origin, transit and destination) and on interviewing techniques, a checklist for victim identification and qualification requirements of staff working in this area.

- In addition, the Gendarmerie prepared a brochure on the fight against trafficking for both, the staff of the Gendarmerie and the civil society explaining the conditions under which trafficked person are suffering.

- In 2002 and 2003 the General Directorate on the Status of Women organised two nationwide cross-sector and multidisciplinary seminars in the field of combating trafficking in human beings. The results of these seminars were published in a manual.

- The magazine 'Jandarma', a journal for officials, published an article on the differences between human trafficking and smuggling addressing the importance to distinguish between these two areas. Articles on combating trafficking in human beings are also frequently published in the magazine 'Polis Dergisi'.

g) *Prevention*

Prevention of trafficking in human beings comprises a wide range of strategies in countries of origin and countries of destination.

There are a multitude of information materials distributed in Turkey, which aim at preventing the crime of trafficking, including:

- Small brochures and leaflets, which are handed out at border entry points;
- Posters addressing in particular potential victims - they can be found at train stations, airports, border crossing points, etc.

The information is provided in English, Romanian, Russian and Turkish language.

Material on prevention is also being distributed in some countries of origin.

8. Recommendations

Risk assessment

Prior to return and reintegration measures a procedure should be established to ensure that any return of trafficked persons takes place in safety and with dignity. Therefore, both, the authorities and the trafficked persons have to actively participate in the decision-making process. In addition, the conducting of a proper risk assessment is one of the preventive measures for re-trafficking.

Experience has shown that factors related to organised criminality or witness protection are not sufficient to cover all risks. Many other elements are also relevant.

In view of the above it is therefore suggested that authorities also include into their assessment i.a. the following areas[2]:

- stigmatization/harassment by society, family and authorities
- opportunity for self-reliance (e.g. no earning or employment possibilities; left to degrading means of earning;)
- medical care to meet the medical/psychological needs
- reprisals by the criminal network against the victim or her family/relatives (e.g. debts bondage; risk of being caught again by traffickers;)
- risk of being arrested, detained and/or prosecuted in country of origin for offences related to her/his situation as a victim of trafficking
- risk of being persecuted in country of origin
- sustainability perspective (subsistence needs; satisfactory standard of living;)

Return should not only be based on the willingness to return but also on the victim's ability to return. This ability should be assessed in view of legal, humanitarian and/or factual reasons, which may no longer guarantee safe return. The concept of risk assessment should be applied similar to the principle of non-refoulement.

In order to provide for a fair and efficient risk assessment and to ensure that any decision on return is based on voluntariness, the views of trafficked persons should be actively included throughout the process. This implies appropriate counselling on the areas of potential risks listed above and the absence of any pressure. Only then the trafficked person will have a free choice and make an informed decision on his/her return.

Because of the nature and mandate of NGOs working in the field of trafficking in human beings in Turkey they are in the best position to provide these counselling services. However, a close cooperation between NGOs and law enforcement - based on mutual trust, transparency and a clear understanding of responsibilities - is a precondition for these services to be most effective.

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[2] Global Alliance against Traffic in Women, Human Rights Standards for the Treatment of Trafficked Persons, 1999; European Commission, Report of the Experts Group on Trafficking in Human Beings, 2004; OSCE/ODIHR, Handbook on National Referral Mechanisms, 2004;

Cross-border cooperation and coordination

Well-functioning cross-border cooperation and coordination strengthens countries individually and collectively in their fight against human trafficking and in the protection of trafficked persons. It contributes to trust and confidence building and is the best guarantee to attain solidarity, increasing proficiency and competitive strengths.

While cross-border cooperation among Governments is being developed by a series of institutions and processes (e.g. BSEC) as well as through bilateral agreements the *management* of cooperation needs to be strengthened to address the pertinent needs.

Therefore, it is recommended to make every effort to ensure that structures and mechanisms are in place that simplify the resolution of issues of common interest and concern related to the return of trafficked persons and their reintegration in the country of origin as well as to jointly implement preventive measures. To achieve this it is additionally important that countries strive for a *proper implementation* of existing bilateral agreements as well as for the development of cooperation agreements where no such agreements exist. In order to come forward with concrete proposals for the improvement of cross-border cooperation it is suggested to first evaluate the existing management for the purpose of identifying suitable mechanisms and structures to build up.

Last but not least cross-border cooperation and coordination should also include NGOs on both sides to promote social inclusion of trafficked persons in the country of origin. In this context Governments and international organisations may be well positioned to support NGOs in their efforts to establish the necessary contacts and networks in the countries of origin.

NGO Capacities

NGOs were the pioneers in assisting trafficked persons in Turkey. They play a vital role in sheltering and counselling of trafficked persons. Due to their mandates, experiences and flexibility NGOs cover a broad range of services. Because of their limited capacities their activities are geographically restricted to certain areas, hence they are not present in all provinces. Furthermore they lack sustainable funding.

The research team therefore recommends to create a well functioning national NGO structure. Focus should be made on the development of the following topics:

- setting-up a NGO network to facilitate cooperation and coordination among NGOs working in the field of trafficking in human beings;
- mapping out services and activities required for providing comprehensive protection and support services as well as services related to return and social inclusion;
- combining counselling on access to legal and social support in Turkey with the provision of information on potential risks in the returning process;
- provision of regular updates for Turkish non-governmental organisations and initiatives on non-governmental structures and services in countries of origin, including Moldova, Ukraine, Belarus, Kyrgyzstan, Uzbekistan.
- building capacities for the development of return programmes to be implemented in close cooperation with NGOs in countries of origin;

Active participation of civil society is important to guarantee the protection of human rights. Therefore, continued and sustainable funding is crucial for NGOs. National NGO structures should be developed to allow them designing an adequate response to protect the human rights of trafficked persons and they should be given the possibility to develop their policy. The Government should make every effort to avoid any competition among NGOs and other anti-trafficking stakeholders, including inter-governmental organisations.

The Government should support fund raising activities of NGOs as well as facilitate the establishment of contacts with potential donors, including Embassies, the European Union and other regional and international organisations and institutions.

Governmental and inter-governmental organisations should support NGOs in their efforts to establish contacts with national NGOs in countries of origin.

Monitoring system

Returning procedures should be monitored and evaluated in the country of destination. The research team suggests to establish a mechanism that documents and evaluates following steps in the return of a trafficked person:

- Voluntariness of return;
- Quality of counselling received prior to return;
- Co-operation with governmental and non-governmental institutions in countries of origin;
- Security incidents during the return process;
- Short-term aspects in social inclusion procedures upon arrival.

Any documentation and monitoring of individual cases should be done in respect of the right to privacy and in conformity with international and regional standards of data protection.

The research team would encourage the Ministry of Foreign Affairs and its Anti-trafficking Task Force (see 3.1.Report) to take a leading role in developing such a mechanism. It is recommended to integrate the monitoring and evaluation activities on return into the regular status meetings of the Turkish Task Force.[3]

In this regard it is advised for the stakeholders of the Task Force to make full use of the establishment of a sub-working group on victim assistance and support as defined in the Twinning Contract under Activity 3.2.

In appropriate cases and in consent with all stakeholders, relevant findings of the monitoring mechanism could be shared with governmental and non-governmental partners in countries of origin. The overall aim should be to have a constant process of improvement of all returning and social inclusion programmes in place.

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[3] For more information regarding monitoring and evaluation in the institutional anti-trafficking framework it is recommended to consult chapter 2.6. of the OSCE Handbook on National Referral Mechanism (p.50-51).

Country of Origin Information

The availability and use of solid and reliable country of origin and third country information is one of the prerequisite for a fair and efficient risk assessment. Therefore, all actors involved in the risk assessment procedure and in counselling activities should have easy, reliable and complete access to relevant information such as information on the political, economic, social, cultural and human rights situation as well as on trends and practices in countries of origin, maps, statistics, jurisprudence, guidelines and internet links.

In view of the above it is recommended to establish/develop institutionally sustainable country information related capacities in Turkey. Skills of professionals and their institutions (be it the Government, NGOs, Legal Networks) should be improved to enable them to conduct quality country information research. This may involve also training on internet search techniques as well as the organisation of and reporting on country of origin information seminars. Systematic access to and institutional use of uniformly high quality country information by all actors should be promoted. Sources of information should be reliable government, inter-government and non-government agencies that have been placed in the public domain.

An evaluation will be required to ascertain whether capacity building measures should focus on the establishment of a new documentation centre or on the strengthening of existing structures.

In order to meet the needs it is also important to advance close working relations with and access to existing documentation centres, networks and sources providing independent, neutral and objective information. [4]

Protection of data

The processing (compilation, recording, storage, correction, erasure and transmission) of personal data shall be in respect of the right to privacy of the trafficked person and always on consent of the person, i.e. the individual shall have the right to know that information is stored on her/him, to obtain communication of the data relating to her/him recorded in the database and, if necessary, to have it corrected. Stringent procedures for data sharing have to be applied to safeguard the integrity of personal data.

It is generally acknowledged that the collection of data regarding trafficking in human beings is a tool of prevention and a mean to enable the quantification of this crime. However, any activity related to the collection of personal data has to abide by fundamental principles of confidentiality and data protection standards.

The Convention for the Protection of Individuals With Regard To Automatic Processing of Personal Data[5] provides i.a. guarantees in relation to the collection and processing of personal

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[4] E.g. ACCORD (Austrian Centre for Country of Origin and Asylum Research and Documentation), www.accord.roteskreuz.at; European Country of Origin Information Network, www.ecoi.net; Eurasil (European Union Network for Asylum Practitioners); UNHCR Refworld, www.unhcr.org/refworld; IOM, www.iom.int; OSCE Anti-Trafficking Assistance Unit, www.osce.org; OSCE/ODHIR Legislation Online, www.legislationonline.org;

data and in the absence of proper legal safeguards outlaws the processing of sensitive data such on a person's race, politics, health, religion, sexual life, criminal record.

In view of the sensitivity of the issue it is recommended that personal data of trafficked persons should only be stored if regarded as absolutely necessary and only by those institutions, that can be held accountable for securing internationally recognised data protection standards. Mechanisms should be established for the trafficked persons to access their data and to rectify it, if necessary. All actors involved in the collection and processing of personal data on trafficked persons should review their present procedures against the background of the conditions laid down in the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. Where necessary, measures shall be implemented to prevent unauthorised reading, copying, modification or erasure of data recorded in the database during both, the direct transmission to or from the database (control of access) and to avoid exposing trafficked persons to potential danger, discrimination and stigmatization.

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[5] The Convention for the Protection of Individuals With Regard To Automatic Processing of Personal Data (ETS 108) is the first binding international instrument which protects the individual against abuses which may accompany the collection and processing of personal data and which seeks to regulate at the same time the transfrontier flow of personal data, www.coe.int;

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