Trafficking in Women: Global Trends and Turkey

Kadın Ticareti: Küresel Eğilimler ve Türkiye

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Abstract: Trafficking in persons gained very much attention in last one or two decades. Most of the trafficked people are women who want to work abroad for economic purposes but ended in a country where they forced to work as prostitutes with no income. Not only in sex industry, but also women are forced to work in service sectors, such as domestic labors, caring elderly, etc. and/or they are trafficked for forced marriages. There are also men who are trafficked and worked as forced labor, but the number of the trafficked men is less than women. There are three research questions in this study. The first research question is; “Is the ‘consent’ term in the UN Trafficking Protocol, enough to distinguish the trafficked victim and the women who work as prostitutes ‘voluntarily’?” The second research question in the study is; “How can we distinguish trafficking in women for the purpose of “sexual exploitation” and for the purpose of “forced labor” from one another?” And the third question is; “How does globalization effect trafficking in women?” This is descriptive study in order to examine the situation of trafficking in women issue and to answer the basic controversial questions about the issue. In this regard, in the first part of the study, “Perspectives on Migration” will be addressed with references basically to “neo-classical model” and “historical-structural model”. “Feminization of migration” will also be discussed in this part of the study. In the second part of the study, after giving some definitions, and the differences between smuggling and trafficking, pull and push factors of trafficking, and the debates on the “consent” concept in the definition on “trafficking in women” will be discussed and the first research question will be explored in this part of the study. After this part, the characteristics of the VoTs and the offenders will be discussed and the second research question will be addressed in this part. This part will be followed by the recruitment methods of trafficking. In the third part of the study, the relation between globalization, migration and trafficking in women will be evaluated and the third research question will be discussed within this part. In the forth part of the study, with the light of the debates and the explanations on the trafficking in women, the global patterns and routes of trafficking will be demonstrated with some figures and in the last part of the study, international and the national instruments in Turkey to combat against trafficking in persons will be investigated.

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Structured Abstract: Introduction and the Aim of the Study: Trafficking in persons gained very much attention in last one or two decades. Most of the trafficked people are women who want to work abroad for economic purposes but ended in a country where they forced to work as prostitutes with no income. Not only in sex industry, but also women are forced to work in service sectors, such as domestic labors, caring elderly, etc. and/or they are trafficked for forced marriages. There are also men who are trafficked and worked as forced labor, but the number of the trafficked men is less than women. Although trafficking in persons and especially in women is not a new phenomenon, with the feminist movement it gained more attention today. Although there are international instruments on the issue to combat against trafficking, the conventions were also verified with this special interest of the feminist movement.

There are basically 3 research questions in this study that will be discussed. The first research question is; “Is the ‘consent’ term in the UN Trafficking Protocol, enough to distinguish the trafficked victim and the women who work as prostitutes ‘voluntarily’?” The second research question in the study is; “How can we distinguish trafficking in women for the purpose of “sexual exploitation” and for the purpose of “forced labor” from one another?” And the third question is; “How does globalization effect trafficking in women?”

Methodology: This is descriptive study in order to examine the situation of trafficking in women issue and to answer the basic controversial questions about the issue. In this regard, in the first part of the study, “Perspectives on Migration” will be addressed with references basically to “neo-classical model” and “historical-structural model”. “Feminization of migration” will also be discussed in this part of the study. In the second part of the study, after giving some definitions, and the differences between smuggling and trafficking, pull and push factors of trafficking, and the debates on the “consent” concept in the definition on “trafficking in women” will be discussed and the first research question will be explored in this part of the study. After this part, the characteristics of the VoTs and the offenders will be discussed and the second research question will be addressed in this part. This part will be followed by the recruitment methods of trafficking. In the third part of the study, the relation between globalization, migration and trafficking in women will be evaluated and the third research question will be discussed within this part. In the fourth part of the study, with the light of the debates and the explanations on the trafficking in women, the global patterns and routes of trafficking will be demonstrated with some figures and in the last part of the study, international and the national instruments in Turkey to combat against trafficking in persons will be investigated.

Literature Review: There is not a clear accepted definition internationally. There are various and contradictory definitions in the literature that have been changed over time. Some definitions equate trafficking and smuggling and others unite trafficking in women with the exploitation of prostitution. For example, trafficking in women for the police and immigration authorities is an organize crime problem. On the other hand, Non-Governmental Organizations (NGOs) focus this issue as “any illicit transporting of migrant women and/or trade them for economic or other personal gain” (IOM 1995 cited in Lazaridis 2001: 72). There are some other arguments that take the “coercion” as the core element and include violence and threat, deception, abuse of authority and debt bondage (Lazaridis 2001: 71-72).

Findings and Conclusion: If we consider the problem and its effects on Turkey, we may argue that, like any other part of the world, Turkey is also dealing with the issue from the beginning. Especially after the beginning of Syrian war in 2011¹, the feature of the trafficking victim profile has changed. Before this war, Turkey was both a transit and a destination country for the Commonwealth of Independent States but after the war, Turkey is one of the destination countries that human traffickers use for Syrian citizens. As it is seen from the Table 1 below, the most common purpose for the human traffickers that caught in Turkey, is sexual exploitation and the next purpose is forced labor, as it is similar with the rest of the world.

In short, as we see throughout the study, Turkey is one of the highest destinations and transit countries in the world. Its condition as a transit country is because of the geographical situation, and as a destination country it can be argued that, there is a sex industry in Turkey, which tends to grow each year. Another important point is that, according to the information gained from UNODC and IOM, Turkey is one of the origin countries for trafficking in women, which scored as “medium” according to the citation index of UNODC. In other words, there are some Turkish VoTs that are trafficked from Turkey and there is a lack of data on this issue. This issue can be a research problem for the further studies.

¹ There is a historical background on the relations of Syria and Turkey and the information about this issue could be gained from Dündar’s (2016) article.

Keywords: Trafficking in women, violence against women, forced labor, forced marriage

Öz: İnsan ticareti, son yıllarda dikkat çeken bir olgudur. İnsan ticaretine maruz kalanların çoğu, yurt dışında ekonomik amaçlar için çalışmak isteyen ancak gelirleri olmayan seks işçisi olarak çalışmaya zorlandıkları bir ülkede hayatları sona eren kadınlardır. Sadece seks endüstrisinde değil, kadınlar aynı zamanda ev işçileri, yaşlı bakımı gibi hizmet sektörlerinde çalışmak zorunda kalıyor ve/veya zorla evlendirmeler için insan ticaretine maruz kalmaktadır. İnsan ticareti yapan ve zorla işçi olarak çalıştırılan erkekler de vardır, ancak insan ticaretine maruz kalan erkeklerin sayısı kadınlardan daha azdır. Bu çalışmada üç araştırma sorusu vardır. İlk araştırma sorusu; “İnsan ticareti mağdurunu ve fahişeler olarak çalışan kadınları gönüllü olarak ayırt etmeye yetecek kadar rıza ifadesi BM İnsan Ticareti Protokolünde var mıdır?” Makalenin ikinci araştırma sorusu; Kadınlara yönelik cinsel tacizi “cinsel sömürü” amacıyla ve “zorla çalıştırma” amacıyla birbirinden nasıl ayırt edebiliriz? Ve üçüncü soru; “Küreselleşme kadınlarda insan ticaretini nasıl etkiler?” Bu çalışma, kadın ticaretinin durumunu incelemek ve konuyla ilgili temel tartışmalı soruları yanıtlamak amacıyla gerçekleştirilen tanımlayıcı bir çalışmadır. Bu bağlamda, çalışmanın ilk bölümünde, temel olarak “neo-klasik model” ve “tarihsel-yapısal model” referans alınarak “Göç Perspektifleri” ele alınacaktır. “Göçün kadınsılaşması” da çalışmanın bu bölümünde ele alınacaktır. Çalışmanın ikinci bölümünde, bazı tanımlar verildikten sonra kaçakçılık ve insan ticareti arasındaki farklar, insan ticaretinin çekme ve itme faktörleri ile “kadın ticareti” tanımındaki “rıza” kavramı üzerine tartışmalar tartışılacak ve ilk araştırma sorusu çalışmanın bu bölümünde incelenecektir. Bu bölümden sonra VoT’lerin ve suçluların özellikleri tartışılacak ve ikinci araştırma sorusu bu bölümde ele alınacaktır. Bu bölümü, insan ticareti işe alım yöntemleri izleyecektir. Çalışmanın üçüncü bölümünde, küreselleşme, göç ve kaçakçılık arasındaki ilişki değerlendirilecek ve üçüncü araştırma sorusu bu bölümde ele alınacaktır. Çalışmanın dördüncü bölümünde, kadın ticareti ile ilgili tartışmalar ve açıklamalar ışığında, küresel insan ticareti yolları ve yolları bazı rakamlarla, araştırmanın son bölümünde ise uluslararası ve ulusal araçlar gösterilecektir. Türkiye’de insan kaçaklığıyla mücadelede soruşturma yapılacaktır.

Anahtar Kelimeler: Kadın ticareti, kadına yönelik şiddet, zorunlu çalıştırılan işçi, zoraki evlilik

Introduction

Trafficking in persons gained very much attention in last one or two decades. Most of the trafficked people are women who want to work abroad for economic purposes but ended in a country where they forced to work as prostitutes with no income. Not only in sex industry, but also women are forced to work in service sectors, such as domestic labors, caring elderly, etc. and/or they are trafficked for forced marriages. There are also men who are trafficked and worked as forced labor, but the number of the trafficked men is less than women. Although trafficking in persons and especially in women is not a new phenomenon, with the feminist movement it gained more attention today. Although there are international instruments on the issue to combat against trafficking, the conventions were also verified with this special interest of the feminist movement.

The verification of the conventions is not only a consequence of the feminist movement; it is also a consequence of the globalization and its characteristics to make migration easier. With the globalization, migration is easier for the people who live difficulties in their own cities or countries. These vulnerable people are the targets of the crime organizations that enroll in trafficking in persons, who want to earn their living in another country and the majority of them are women. These people may gain profit over the Victims of Trafficking (VoTs) that they falsified with false job offers in other countries.

There are basically 3 research questions in this study that will be discussed. The first research question is; “Is the ‘consent’ term in the UN Trafficking Protocol, enough to distinguish the trafficked victim and the women who work as prostitutes ‘voluntarily’?” The second research question in the study is; “How can we distinguish trafficking in women for the purpose of “sexual exploitation” and for the purpose of “forced labor” from one another?” And the third question is; “How does globalization effect trafficking in women?”

This is descriptive study in order to examine the situation of female trafficking issue and to answer the basic controversial questions about the issue. In this regard, in the first part of the study, “Perspectives on Migration” will be addressed with references basically to “neo-classical model” and “historical-structural model”. “Feminization of migration” will also be discussed in this part of the study. In the second part of the study, after giving some definitions, and the differences between smuggling and trafficking, pull and push factors of trafficking, and the debates on the “consent” concept in the definition on “trafficking in women” will be discussed and the first research question will be explored in this part of the study. After this part, the characteristics of the VoTs and the offenders will be discussed and the second research question will be addressed in this part. This part will be followed by the recruitment methods of trafficking. In the third part of the study, the relation between globalization, migration and trafficking in women will be evaluated and the third research question will be discussed within this part. In the forth part of the study, with the light of the debates and the explanations on the trafficking in women, the global patterns and routes of trafficking will be demonstrated with some figures and in the last part of the study, international and the national instruments in Turkey to combat against trafficking in persons will be investigated.

1. Perspectives on migration

van Liempt (2006: 35) argues that there is a link between trafficking and migration. If we look from the migration perspective, trafficked people are migrants instead of victims. In this respect, migrating with the trafficker and working as a sex labor in another country can be the integral part of some women’s lives and also it could be a strategy for them to leave a country. On the other hand, there are also scholars that argue; there is a difference between trafficking and migration. The crucial difference is that in migration the person made an autonomous decision whereas in the trafficking there is a coercion or deception (Joshi 2002: 18-19). Whether there is an autonomous decision or not, if trafficking in persons occur across boundaries, it is a form of migration. As we will see in the following of the article, there are different types of trafficked people and if they are not kidnapped, they are the ones who used the trafficker as their only way to leave the origin country and decide to migrate and work in the destination country.

When we look at the migration theories, we see that there are basically two perspectives on migration. The first one is the “neo-classical model”, which defines migration as a “rational choice” of the migrants who respond the unequal distribution of the economic resources. Migrations are the decisions of the people that believe the benefit is more than the cost (Wood 1982: 301).

According to Arango (2000: 284-285), the first theoretical explanation is W. Arthur Lewis model, which was developed in 1954 as dual sector model, argues that both sending and receiving countries benefit from this population flow and the economy as a whole developed as a consequence of this process. This model is based on “rational choice”, “utility maximization”, “expected net returns”, “factor mobility” and “wage differentials”. In this regard, migration is a result of the unequal geographical distribution of labor and capital and people tend to move to increase their income and life standards as the consequence of their rational choice.

Borjas (cited in Castels 2000: 272) argues that, there is also an alternative economic approach which is called as “new economics of labor migration” that argues migration cannot be explained with different income levels of two countries. The chance of secure employment, availability of capital for entrepreneurial activity and the need to manage risks over long periods are also important factors that explain international labor migration.

Arango (2000: 288) argues that “new economics of labor migration” was developed from neo-classical migration theory and shares the same cornerstone, the “rational choice”. It is distinguished by explaining the migration as the decision of the family and household rather than the individual. On the other hand, international migration is a consequence of the demands of the destination countries for requirements of foreign workers who should fill the jobs that re refused by

local workers. This theory is called as “dual market theory” which was initiated by Michael Piore in 1979.

According to Massey (1990 cited in Gross and Lindquist 1995: 326), networks approach argues that migration decisions are not the decisions of the migrants themselves, they are also the decisions that are made by family members within households, who are affected by local socio-economic situations. Migration networks are playing a crucial role when people tend to move. According to this approach, in migration process, there are networks that link the migrant with the people at home and also in the receiving country who may provide assistance in every means including employment, accommodation and etc. (Massey et al. 1998 cited in Arango 2000: 291).

The second perspective on migration is the “historical-structural perspective”, which focuses on the historical context and structural transformation. It assumes that migration is not an individual but a macro-social process (Wood 1982: 302). In contrast with the micro level approaches that based on “rational choice” of the migrant, “structural perspective” argues the migration process is from underdeveloped to developed countries which is performed by the labors (Pedraza 1991: 307). In this regard, besides the “rational choice” of the migrant individuals, the socio-economic conditions in the both sending and receiving countries are important for the international labor migration.

Pedraza (1991) argues that, we have to consider two approaches together to understand today’s migration trends. The individuals and their rational choices besides the larger social structure that those decisions are made are important to understand the international labor migration. Economic and social structures of the sending and receiving countries and the social networks for the migration are important factors.

Arguing migration with a male point of view has been challenged since mid 1980s. These challenges focused on the migrant women and their independent choices. Although there are class and ethnic differences among migrant women, there are some general characteristics of the “feminization of migration”. Women do not migrate as the dependents or for the “family reunification” on the contrary, their role is more important and they consider themselves as a part of the family strategy (Anthias 2000: 24).

All around the world we are witnessing the migration of women as breadwinners, both internationally and nationally. This process is called as “the feminization of migration”. The changes in the supply and demand factors, made an increase in women and children’s migration proportion, especially for temporary working conditions (UNIFEM 2002: 3). This is one of the consequences of globalization and its impact on increased international travel and communication (Ndiaye 2004: 58).

As Eisenstein (cited in Anthias 2000: 25) mentions, global capital needs flexibility and women provide this need of the global capital. More than half of all the non-fulltime workers are women all around the world. Women generally provide the flexible labor need in the irregular labor market, which is gender segregated. According to Gülçür and İlkaran (2002: 411), there are some explanations for feminization of migration. The pull factors are the need or demand for the informal domestic labor and sex-related service sectors. On the other hand, the push factors are oppressive and violent environments including volatile economic conditions and to have a “better life” in the destination countries.

Although there is an assumption that women simply follow men and migrate in traditional migration theories, women migrate for different reasons such as poverty in the homeland, displacement from the land, debt and other external factors that they cannot control. The situations in sending and receiving countries are also effective in the migration decision of women. Social factors are also effective in the migration of women such as marital conflict and physical violence, etc. (Kofman et al. 2000: 21). According to Kofman et al. (2000: 22), women may decide to migrate

in order to avoid some unpleasant situations in their lives, such as escaping from an unsatisfactory marriage, etc. Economic and non-economic factors come together and affect the decision to migrate.

2. The overview of trafficking in persons

In this part of the study, definitions on the “trafficking in persons”, the differences between smuggling and trafficking, pull and push factors of trafficking, the characteristics of victims of trafficking and traffickers and the methods of recruitment for trafficking are explained. Victims of trafficking are seen as a kind of migrants, if they are not kidnapped. The “consent” of these victims as defined in the definitions of trafficking in persons and the “rational choices” of these victims that neo-classical migration theories are discussed in this part of the study.

2.1. The definition of trafficking in persons

There is not a clear accepted definition internationally. There are various and contradictory definitions in the literature that have been changed over time. Some definitions equate trafficking and smuggling and others unite trafficking in women with the exploitation of prostitution. For example, trafficking in women for the police and immigration authorities is an organize crime problem. On the other hand, Non-Governmental Organizations (NGOs) focus this issue as every action that transport female migrants for economic benefits (IOM 1995 cited in Lazaridis 2001: 72). There are some other arguments that take the “coercion” as the core element and include violence and threat, deception, abuse of authority and debt bondage (Lazaridis 2001: 71-72).

According to the arguments above there are two useful definitions of trafficking in persons in today’s literature. The first one is the European Union’s (EU) definition² and the second useful trafficking definition, on the other hand, is The United Nations (UN) Protocol³ on Trafficking in Persons’ definition⁴, which was adopted in 2000 and came into force in 2003.

From these definitions, it could be indicated that trafficking in persons is a process rather than a single event. This process starts with the abductions and recruitment of a person. Then, it followed by the transportation of the trafficked person from the origin country to the destination country. The process continues with the exploitation phase in which the victim is forced into sexual or labor service that usually includes the violence against the trafficked person. The next step of the process involves the offender not the victim. According to the human trafficking operation, the organization utilizes the profit and may link this operation to other criminal operations such as smuggling of migrants, weapons or drugs (UNODC 2006: 57).

2.2. The difference between trafficking and smuggling

As United Nations Office on Drugs and Crime (UNODC) (2006: 50) mentions, the smuggling process is defined as; “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a country of which the person is not a national or a permanent resident”.

² “Trafficking in human beings means subjections of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view of to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children” (Mameli 2002: 68).

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol)

⁴ “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the *consent* of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” ([emphasis added] UNIFEM 2002: 1).

Therefore, there are three basic differences between trafficking in persons and smuggling of migrants. The first difference is based on “consent” factor, in which the migrants are consenting to the smuggling. On the other hand, trafficked people do not consent to be trafficked and they are consenting to go to another country with the traffickers, they do not know the violent working situations. The second difference is based on the “exploitation” factor. While smuggling ends with the arrival to the destination country, trafficking never ends. As we mentioned before, it is not a single event, it is a process, and so after arriving to the destination country, the exploitation of the trafficked person continues. The third difference is based on the “transnationality” factor. Smuggling is always transnational because the aim is to enter to another country illegally, whereas trafficking in persons does not have to be transnational. The victims can be moved from either one place to another in the same country or from one country to another (UNODC 2006: 52).

According to Long (2002: 56-57), the smuggled people are very vulnerable and easily exploited by the trafficker because these are the irregular migrants. Sometimes women seek jobs as prostitutes in bars or nightclubs willingly and smuggle to another country. But then these women then are in the hands of the traffickers and start to work in inhumane conditions, such as they may be abused and etc. Although it is a continuum of smuggling-trafficking process, it is argued that the trafficked people and smugglers are different groups. The women, girls and children are mostly the victims of traffickers, who mostly have few employment opportunities in their homelands. On the other hand, irregular migrants, who are the smugglers, are most likely men, generally young men coming from Iran, Iraq and Tunisia and pass through Southeastern Europe to Western Europe and North America (Corrin 2005: 551).

In the last 10 years, the profile of the trafficked persons has changed. Although women and children are still the major part of trafficking, men are also trafficked more in recent years for forced labor (UNODC 2016: 6). Most detected forms of trafficking are for sexual exploitation and for forced labor. Especially people, escaping from war zones, including Syria, are vulnerable and become victims of trafficking for different reasons. These reasons may also be, using VoTs in inhuman situations like beggars and etc. There is a rapid increase in the number of the Syrian trafficking victims and these people are suffering from the human rights violations above (UNODC 2016: 8-10).

2.3. Pull and push factors of trafficking

There are some legal channels for migration flows but many women and children move illegally and put themselves at risk of being trafficked. Gender inequality both in the origin and the destination countries increase the vulnerability of women and children to trafficking. In 2001, 2 million women and children were trafficked across borders. This is because of the push and pull factors. Volatile economic conditions, collapse of the economic system, armed conflicts and war, natural disasters and increase in domestic violence can be seen as the push factors for the increase in the trafficking in women. On the other hand, the stable economy, job opportunities for the educated women, gender equality regimes, relative prosperity and peace in the Western countries are the pull factors for the victims of traffickers who want to migrate for working in these countries (UNIFEM 2002: 3-4). For example, in Eastern Europe more than 120 million people earn less than US\$4 per day. Although these people are well educated, after the collapse of the Soviet Union, there has been a hyperinflation and the people’s savings and security were all been wiped out. In Ukraine, where the most trafficked women came from, 60 percent of the unemployed are women and the average salary in Ukraine is about US\$30 per month. These situations are what the traffickers want most; the economically depressed areas. And although trafficked women can be found in everywhere, the destination of the trafficked women is mostly the countries and the cities where the sex industry is legalized or tolerated. These countries and cities constitute the demand side or the pull factors of the trafficking (Hughes 2000:10-11). Armed conflicts and wars are the most important problems about

the issue and must be paid close attention. For example, Syrians have started to be exploited in their own country as a migrant and their displacement situation is used by the traffickers both in their own and host countries (UNODC 2016: 61).

When these pull and push factors come together with the “expansion of transnational sex industries and increasingly sophisticated predatory recruitment techniques and networks” and also with the “globalization of capital and information technology” (Reilly 2006: 94), all the necessities are provided for the trafficking in women.

2.4. Debates on the “consent” concept in the definition on trafficking in women

According to Vocks and Nijboer (2000: 381), women from South-Eastern Europe make a choice and decide to migrate to Western countries. Working as prostitutes in “rich Western countries” and earn money in a short period of time is irresistible for these women. In my opinion this argument is based on the rational choice theory, which assumes that victims try to balance losses and gains of their migration. The argument of Vocks and Nijboer is one of the assumptions that is world widely accepted by a group of people and prostitution cannot be considered as trafficking because women are constantly doing this job. On the other hand, there are also another group of people that argue prostitution cannot be done constantly, so every type of sex work is violence against women. According to Doezema (2002: 20-21), the term “consent” played a crucial role, when the UN Protocol defined “trafficking in women”. There are basically two arguments in UN Center for International Crime Prevention negotiations, which were before the UN Trafficking Protocol, that were lasted for two years in Vienna. First one was supported by Coalition Against Trafficking in Women (CATW) lobby group and argued that, all forms of recruitment and transportation for prostitution should be included in the definition of trafficking even if the person is consented to travel and consented to do sex work. On the other hand, the Human Rights Causes, who supported trafficking as a kind of work, argued that prostitution and trafficking should be treated differently and if force and deception are not included, women do sex work “constantly”. CATW lobby group argued that women’s “constant” is meaningless, because sex work is inherently a human rights violation so cannot be consented to.

According to van Liempt (2006: 33), to make a difference between “constant” or “not constant” or “choice or “no choice” is dangerous and leads people to think about the trafficked people as the “victims” who were falsified and trafficked and the “criminals” who *choose* to work as prostitutes. From the same point of view, Dickenson (2006: 46) argues that, if no other work is available except prostitution and the only way to survive is to work as a sex worker, it is not relevant to argue if the choice is free or not. In some part of the world, for example the women who are trafficked from Eastern Europe, even they are constant to travel or not, the situation is not different. As Hirschmann (2003 cited in Dickenson 2006: 46) argues, feminist theory takes the arguments further and asks if it is unconstrained to remain at home or if to migrate to another country is because of the lack of other choices.

Feminist theory argues that women are capable real choice and as autonomous individuals they can choose rationally and freely. On the other hand, feminist theory argues that, by going beyond the lack of any other options, if the women are left without any choice, prostitution is one of the choices in front of them but this choice cannot always be named as free (Dickenson 2006: 47).

As I mentioned before, trafficking is a part of migration and if we think about migration theories and the debates on the “constant” term in the UN Protocol together when working on trafficking in women, we see that, there is a very much similarity between these two. On the one hand, “neo-classical migration theories” assume the move of the migrant as a “rational choice”, and leave the other options, such as social or economic conditions that affect the migration out from the theory. On the other hand, going from the same path, some theories on trafficking in women argue that if the trafficked women are constant to travel or work as prostitute, we cannot consider them as

victims of trafficking, because nobody constrains them to do so. In this regard, these are problematic and debatable arguments. These women migrate in order to survive and if there is no other choice, can we argue that this is a choice of the women? If turn to the push factors of trafficking in women, which are explained above, the situations in the origin country, such as volatile economic conditions, collapse of the economic system, armed conflicts and war, natural disasters and increase in domestic violence, etc. can we argue that under these conditions, women have any other opportunity to survive and is it the “rational choice” of the women? Or from another point of view, can we argue that all migrants are rationally choose to migrate without thinking about the social and economic situations in the origin or the destination countries. Is the choice of the migrant “rational” or is it under the constraints of the situations?

There is also another problem especially for the women and the girl children, who try to escape from the war zones. As it is well known, marriage is a personal choice and cannot be done without consent of the both partners. But because during the conflicts people face with difficulties, families may see early forced marriages as a choice to protect their girl children from conflict living conditions. In Iraq and Syrian Arab Republic, there is a significant increase in forced marriages (UNODC 2016: 64).

2.5. Victims of trafficking and the traffickers

As we can see from Figure 1 below, victims of trafficking are mostly women with 51% and girl children with 20%. As mentioned before, there is an increase in men as victims of trafficking in recent years. The percent of women as victims of trafficking was 77% and girl children with 48% ten years ago (UNODC 2006: 33). From Figure 2 below, we may understand the reason of the trafficking. As we may see, the majority of the victims were trafficked for sexual exploitation throughout the world. This fact was also same in 2006. 87% of women and girl children were trafficked for sexual exploitation ten years ago as UNODC (2006) mentioned. On the other hand, the percentage of male victims of trafficking has increased rapidly. Ten years ago, the percent of male victims was 9% according to UNODC (2006: 33), but in 2016 this percent has risen to 21% (UNODC 2016: 8). As the male victims of trafficking increases, we may also see from the Figure 2 that the trafficking for forced labor is relatively high among other trafficking purposes. Trafficked men are especially trafficked for forced labor purposes such as agricultural, manufacturing and construction work (Ndiaye 2004: 57).

Figure 1. Reported Profile of Victims (UNODC 2016: 7).

Figure 2. Forms of exploitation by region, 2012-2014 (UNODC 2016: 8).

According to Kofman et al. (2000 cited in Gülçür and İlkaracan 2002: 412), women who migrate from Soviet Union to Europe generally work in the informal service sector, including prostitution and other domestic service related works like children and elderly caring. As we can see from the Figure 2, the aim of trafficking is mostly sexual exploitation and forced labor. First of all, the distinction that UNODC (2016: 8) made in Figure 2 as “forced labor” and “sexual exploitation” is problematic. How can we distinguish sexual exploitation from forced labor? Women who are sexually exploited are also forced to work as prostitutes, so they are also a kind of forced labor, because as van Ellemeet and Smit (2006: 221) mention, advocates on not all migrant sex workers are victims of trafficking and they might choose to work as prostitutes are members of “labourist approach”. According to this approach, “the essence of THB (Trafficking in Human Beings) and forced prostitution is that, within the context of a labour situation, a person’s freedom to choose is violated” (parenthesis added). In other words, labourist approach argues that, to choose to work as sex worker is not a kind of forced labor if the women’s freedom to choose the customers, to leave the job or not or the working hours, etc. are not violated.

Secondly, another problematic area is focusing only “sexual exploitation” and overlooking the trafficked women who are forced to work in other service sector. These women are also falsified with the working conditions and exploited in service sector. Why these women are not focused as much as sexually exploited women? Why sexually exploited women irritate us more than the women who are exploited in the service sector? This may be because of our gender stereotyping. If women work in service sector, it seems normal in our patriarchal ideology, because it is inherently women’s duty to service. But we strictly oppose to sexual exploitation in order to protect women. But at the end, they are both exploitative if it is forced for women. On the other hand, and more important than the statistical difference, the explanation has its roots in the debates on women who are “consent” to work as prostitutes or not. According to Gülçür and İlkaracan (2002: 412), sex work is an exploitation of women’s bodies. In other words, because working in service sector for women is traditionally accepted. As it happens more in the private sphere and remain hidden, sexual exploitation of women are focused more and irritates us more than trafficked women for service sector exploitation as it is seen as the violation of women’s human rights by using women’s bodies.

2.6. Methods of recruitment

According to Hughes (2000: 6), there are different methods of recruitment and trafficking. These methods are; first of all, the advertisements in the newspapers with unskilled false job offers like waitress, nannies, dancers or hostesses in other countries and it is estimated that 20% of the victims are trafficked by the newspaper advertisements. The second method is the marriage agencies, which is operate on the internet and contact with the women who want to travel or migrate. These marriage agencies are mostly under the control of the organized crime networks. The third way is the using the tourist visas and women's legal documents. These women legally enter to another country but then the traffickers take their legal documents and visas and force them to work as prostitutes. Sometimes the illegal documents are prepared for these women, and women in this case become more vulnerable because they stay in the country illegally. When they are discovered, they are deported and become the targets of the traffickers again. The forth method is trafficking in women through a friend or a relative. This is the most common way of the trafficking in women especially in Ukraine. In this type of trafficking, which is called as "the second wave", the trafficked women go back to their own country and traffic other women. It is argued that escaping from the sex industry is not possible, the only way to escape from the victim to the perpetrator is to traffic other women and the 70% of the pimps in Ukraine is women. The last method of trafficking is trafficking the women in groups again with the false job offers. When they cross the border, the passports and the other documents are taken and these women are forced to be prostitutes.

The traffickers usually work as an organization and network. According to Long (2002: 60-61), this social network includes, recruiters, bar owners, border officials, local police and other government officials. Besides these agents, there are also travel and tourist agencies, taxi and other transport companies, hotel owners, etc. As we can see, the network is really complex and diffuse, in other words it is not easy to solve the problem of trafficking by just looking at one aspect or the agent of the organization.

3. Globalization, Migration and Trafficking in Women

According to Castles (2002: 1143), with the collapse of the Soviet Union and end of the Cold War era, new process has begun, which opened the gates for new population flows. These movements were from East to West and South to North. Schengen Agreement is an example of the border control of the governments. Migration is the key element of this new era, which is called as "globalization". Not only population movements, but also the flow of finance, trade, ideas, media products and pollution are also important factors of globalization as Castles (2000: 271) mentions elsewhere. According to him, these structures are organized under transnational networks, "which take the form of transnational cooperations, global markets, international governmental and non-governmental organizations, global criminal syndicates or transnational cultural communities". Although these transnational criminal organizations were existed before the globalization, with the rapid growth of the flow and with the help of internet, telephone communication the constant communication became possible and cheap transportation system make the population flow easier, transnational criminal organizations became more invisible and effective day by day. In this respect, the traffickers and other transnational criminal organizations have become more effective and dangerous with the impacts of globalization.

The end of Cold War was a turning point for international population flows and although governments try to control their border against this population flow with agreements, illegal ways of migration were found such as smuggling and transnational criminal organizations gain much more strength in this era. As Colette DeTroy from Association for Women in Development Forum (Shifman 2003: 126) mentions, with globalization free exchanges of everything has begun but when the subject is human there is strong obstacles which is an opportunity for traffickers to earn money.

As mentioned by Hughes (2000: 3), the rapid growth of the shadow market and the more and more visible and effective transnational criminal organizations are the negative impacts of the globalization. These shadow markets and criminal organizations go beyond the nation-state's control and this makes them more dangerous. These transnational criminal networks use the developments of the computer communication technologies, which decrease the probability of detection. Fukuda-Parr (2004: 37-38) shares the same opinions with Hughes and mentions that there are new threats that have been emerged with the globalization. One of these threats is the "global crime". As the consequence of the globalization, time and space have shrunk because of the internet and criminal organizations are also using internet. Human trafficking is also another threat of globalization. Immigrants apply to traffickers as they cannot legally migrate and it makes them vulnerable for the traffickers.

As we can see from the explanations above, neither criminal organizations, nor trafficking in human beings are new phenomena. What is new in the process of globalization? Or this question can be asked from another point; how does globalization effect trafficking in human beings? The developments in the globalization process, such as technological developments, developments in the communication system or in transportation, make these criminal organizations more effective. As the other people use these technological developments, criminal organizations also started to use these developments on behalf of themselves. First of all, these criminal organizations gain a more "transnational" character with the help of the communication system and transportation developments. With easier and cheaper communication and transportation, as transnational communities, these criminal organizations' "identity is not primarily based on attachment to a specific territory" (Castels 2002: 1157). Besides, because they have no roots in one territory, this makes them more and more invisible and it is getting harder to find the members of the organization.

Secondly, because the legal procedures to migrate are very difficult after the separation in the Soviet Union, people tend to use the illegal ways to migrate. Transnational criminal organizations gain a specific character at this point, because they are the ones who prepare the situation for these illegal migrants and they are the ones who use the vulnerability of these people to exploit them. These traffickers also play a crucial role in the migration of the women from Former Soviet Union, because the economic facilities are very bad in these countries and because traveling to another country is expensive and nearly impossible for those women, the traffickers use this opportunity and make these women indebted to themselves and start to exploit them in sexual industry or service sector. For the war-torn countries, the process is similar. Women and girl children usually are exploited as sex workers worldwide. Recent example is done by ISIL in Iraq and Syrian Arab Republic to women and girl children (UNODC 2016: 65).

Another important problem lies under the debate of "forced" and "economic" migration and its relevance with the globalization process. Globalization leads people to choose economic migration and makes it easier with blurring of the borders. But as Castles (2003: 16) argues, "how does it relate to forced migration?" According to him, the answer has two components. The first is that, the globalization is not an equal system, but a selection of inclusion and exclusion of the specific areas to the participation of the global economy. The significant expression of this inequality is seen in the North-South divide. As a consequence of this, the migration becomes forced instead of voluntary from South to North. The second component of the answer, as the consequence of the first component, is the blurring of the distinction between the forced and the economic migration. There are multiple reasons for people to migrate and nowadays it is impossible to distinguish these reasons as economic or human rights motivations.

For trafficking in women issue, it can be argued that it is a kind of forced migration because of the economic or other bad conditions of these women who want to work abroad, instead of their homelands. But the problem is not also the reason of the migration; it is also the working conditions

of these women. Even they approved to work as prostitutes in another country, they never know how the working conditions are inhumane in these jobs they applied. In this regard, they are also forced labors in this sector.

4. Situation in Turkey

If we consider the problem and its effects on Turkey, we may argue that, like any other part of the world, Turkey is also dealing with the issue from the beginning. Especially after the beginning of Syrian war in 2011⁵, the feature of the trafficking victim profile has changed. Before this war, Turkey was a sender and receiver country for the Commonwealth of Independent States but after the war, Turkey is one of the destination countries that human traffickers use for Syrian citizens. As it is seen from the Table 1 below, the most common purpose for the human traffickers that caught in Turkey, is sexual exploitation and the next purpose is forced labor, as it is similar with the rest of the world.

Table 1: Purpose of trafficking in Turkey (2014-2017) (Göç İdaresi Genel Müdürlüğü 2018)

Year	Sexual Exploitation	Forced Labor	Forced Beggary	TOTAL
2014	43	7		50
2015	88	19	1	108
2016	143	30	8	181
2017	188	52	65	303
TOTAL	460	108	74	642

Table 2: Nationality of Victims of Trafficking detected in Turkey (2014-2017) (Göç İdaresi Genel Müdürlüğü 2018)

Nationality	2014	2015	2016	2017	TOTAL
Syria	4	9	36	86	135
Kirghizia	17	17	33	31	98
Uzbekistan	8	34	16	19	77
Morocco	2	6	10	25	43
Georgia	4		23	11	38
Moldova	4	5	8	20	37
Ukraine	4	4	7	16	31
Russia	1	3	6	16	26
Azerbaijan	2	4	4	11	21
Turkmenistan		3	3	11	17
Other	4	23	35	57	119
TOTAL	50	108	181	303	642

As it is seen from the Table 2 above, there is a rise in the number of the Syrian victims of trafficking after 2014 but there are also still other citizens especially from CEE countries that are trafficked in Turkey.

⁵ There is a historical background on the relations of Syria and Turkey and the information about this issue could be gained from Dündar's (2016) article.

4.1. National instruments and implementations in Turkey

On the national level, the persecution of the perpetrator of the human trafficking gained more priority than the protection of the victim. In 2005, **the new Penal Code** was adopted. In Article 80 human traffickers are sentenced in prison 8 to 12 years and also have to pay fine (UNHCR 2005:136).

Article 8 of **the Passport Law** indicates that, foreign people that force women into prostitution cannot enter Turkey. Humanitarian visas and temporary residence permit if it is necessary for the victims to stay for rehabilitation and treatment. The duration for the temporary residence permit is 6 months but it can be extended if it is necessary. **The Ministry of Health** provides medical care for the victims of trafficking in the state hospitals for free. **The Law on Working Permits for Foreigners** was adopted by the Ministry of Labor and employment in domestic services became possible under this law. **The Road Transportation Regulation**, which is effective since 2004, indicates that the transportation permit of the perpetrators of the human trafficking or smuggling crimes will be suspended for 3 years. In September 2004, Turkey and Belarus signed **A Memorandum of Understanding** to encounter cooperation to stop trafficking (UNHCR 2005: 137).

There are some implementations and the responses of Turkey. As UNHCR (2005: 137-138) mentions, these implications are like **the National Task Force on Combating Trafficking in Human Beings** and **Law on Foreigners and International Protection** in order to prohibit the traffickers to exploit women and girl children.

After 2017, **Duties of Department of Protection of Trafficking Victims** was established in order to ensure following; to carry out work and operations related to irregular migration, to carry out work and procedures related to the fight against human trafficking and protection of victims, to carry out projects related to the fight against human trafficking and protection of victims, establishing, operating or operating help lines for victims of trafficking, to ensure coordination between law enforcement units and related public institutions and organizations in order to combat irregular migration, to develop measures, to follow the implementation of the measures taken, to perform other duties given by the General Manager.⁶

Conclusion

Although there are lots of international and national instruments, trafficking in persons, especially in women is still an ongoing problem for all over the world. As we see from the study that, most of the origin countries are the ones who are economically in bad condition. With the globalization and its implications on migration, it is easier for women to work abroad. There is an ongoing tendency for women to migrate for work, which is called as “feminization of migration”. Most of these women, especially the ones from Former Soviet Union, are coming from economically narrow pass are the main targets of the traffickers, who falsify these women with different recruitment methods and start making profit from them. Besides, women from Syria, who want to escape from a conflict-affected country, are also vulnerable to trafficking (UNODC 2016: 64).

Because the working conditions of these women are very much like the working conditions of the slaves in the last centuries, trafficking in women is called as the “modern forms of slavery” (UNIFEM 2002: 1). For this modern form of slavery, there are some international instruments to prevent trafficking, protect the victims and to persecute of the perpetrators of the trafficking. The national instruments that have been adopted in Turkey support international instruments.

Trafficking in persons is the act of the crime organizations; there are many agents involved in this criminal act. Because of this character of the trafficking, it is not easy to obstruct the phenomenon. But according to UNIFEM (2002: 12-17) study, there are some strategies to prevent

⁶ http://www.goc.gov.tr/icerik6/insan-ticareti-magdurlarini-koruma-dairesi-baskanliginin-gorevleri_274_760_788_icerik

trafficking in women. These are; first of all, to provide economic empowerment for women and girls, because the economic conditions are worse for women, as a consequence of the unequal gender relations, which we call as the “feminization of poverty”, empowerment of women economically is very important. Secondly, to create livelihood opportunities that are supported by education and job training, for women and girls especially in the origin countries for trafficking. According to the debates on this issue, this can decrease the out migration of women and reduce the risk of trafficking. Thirdly, to provide safe migration and citizenship rights for women and girls. To stop trafficking in the source country, the administration in the origin country must do the things that are listed above and beside them it must guarantee the safe migration of its citizens to prevent trafficking. Finally, the attitudes in the origin country to obstruct trafficking is not enough, the destination countries must also reduce the demands and renew their laws to focus on the criminal justice to prevent trafficking in people. Besides the laws, States must also integrate the human rights and development strategies as their national plans of actions.

There are basically 3 research questions in this study. The first one is about the “consent” concept in the UN Trafficking Protocol, which was adopted in 2000. Is it possible to work as prostitute voluntarily for a woman or are all forms of sex works inherently have violation of women’s human rights and women’s consent to be work as a prostitute is meaningless?⁷ There are different groups of advocates who argue on the issue. But the problem inherently lies in the question of “What is really to be consent something?” If there are no other possibilities to survive, is it a decision of a woman to migrate or to work as a prostitute? If there is only one opportunity, is it possible for a person to make a choice? This problem is similar with the “rational choice” of the migrant in the neo-classical model. In this model the migrants are considered as the rational beings and for the economic purposes, they make a rational choice to migrate. Without taking into consideration, the conditions in the destination and the origin countries, it cannot be possible to make analysis on migration issue. The “historical-structural model” is also not enough to explore the whole migration process. The combination of these models is relevant to explain and make analysis in migration issue.

Because trafficking in women is a part of the migration process, when we look at the migration of women from Former Soviet Union to Western Europe, we see that there are lots of factors that affect this process. First of all, the economic and social conditions of the destination and the origin country are very much important when women tend to migrate from their homeland. Another important aspect is the “networks” that these women use and usually falsified by. The connections of these women from origin countries to destination ones play a crucial part in this migration process. These networks are used by the transnational criminal organizations, falsify these women and start to exploit them mostly in sex industry and service sector. In this regard, this migration is a rational choice of these women like “neo-classical model” argues is meaningless, because as discussed in the “consent” problem, if there are any other opportunities, the call this choice as rational is not correct. As in the “feminization of migration” discussions, the migration of women is affected both by economic and non-economic factors, such as unhappy marriages, physical violence and other external factors.

The second research question is about the distinction between “sexual exploitation” and “forced labor”. In my opinion, this is a problem coming from the same roots with the “consent”

⁷ This discussion on the issue was between the previous UN Special Rapporteur on Trafficking in Persons, Especially Women and Children, Ms. Sigma Huda and the Women’s NGO’s. In International Day on the Elimination of Violence against women, 24 November 2006, Ms. Huda published a statement indicating that all prostitution is a category of violence against women and the Women’s NGO’s published a response in 6 December 2006 and argued that there is a distinction between trafficking in women and prostitution. For further information see: <http://www.unhchr.ch/huricane/hurricane.nsf/view01/E6D1FDC2100E8B31C125723000819F86?opendocument> and the civil society response to this statement.

debate. There are also trafficked women who are exploited in the service sector and forced to work as labor. First of all, sexual exploited women are also work as forced labors; to make a distinction between them is problematic. Secondly, to focus on sexually exploited women is inherently gender biased, because overlooking the trafficked women for the purpose of forced labor is a kind of accepting the traditional gender norms, which normalize to force to work in the domestic labor or caring the children and elderly. This overlook cannot only be from the statistical difference for the purposes of trafficking in women. The reason of being irritated by trafficking in women for the purpose of sexual exploitation is because to see the women's bodies as the sites to violate women's human rights and consider women's bodies as the area, which men can use their power to dominate women, like the feminist theorists argue that all kinds of prostitution is violence against women.

The last research question is about the impacts of the globalization on trafficking in women. As we know, trafficking in human beings is not a new phenomenon. Criminal organizations are also not new, they were all happening from the beginning of the globalization process. But with the collapse of the Soviet Union and with the end of the Cold War era, some things have changed in the world. The most fundamental change is the population flows from the Former Soviet Union to the Western countries. To prevent this population flows these Western countries' governments applied some precautions. This makes transnational criminal networks more effective in the area of migration. Because the people who cannot migrate tend to use the illegal ways and the transnational crime organizations use the vulnerability of these people and started to traffic and exploit them. With the technological developments in the communication and transportation system, these transnational criminal organizations became more and more powerful and invisible in the world. Neither transnational criminal organizations, nor trafficking in women are not new phenomena, but the methods they use with the impacts of globalization process and the effects of their acts are different today.

In short, as we see throughout the study, Turkey is one of the highest destinations and transit countries in the world. Its condition as a transit country is because of the geographical situation, and as a destination country it can be argued that, there is a sex industry in Turkey, which tends to grow each year. Another important point is that, according to the information gained from UNODC and IOM, Turkey is one of the origin countries for trafficking in women, which scored as "medium" according to the citation index of UNODC. In other words, there are some Turkish VoTs that are trafficked from Turkey and there is a lack of data on this issue. This issue can be a research problem for the further studies.

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