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**Syrian women in Turkey: how the construction of
their vulnerability may facilitate human trafficking**

Supervisor: Prof. PAOLA DEGANI

Candidate: ELIF BAKAR

Matriculation No. 2005607

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Table of Contents

Abstract	
List of Abbreviations	
Introduction: delimitation of the subject, methodology, and limitations	1
Chapter 1: Context and previous considerations	6
1.1. The literature review	10
1.2. Syrian women in Turkey: how the construction of their vulnerability facilitates human trafficking?	14
1.3. Main problems related to Syrian women trafficking in terms of human rights	20
Chapter 2: The Republic of Turkey in the Syrian migration matter	25
2.1. Approximation to the refugee law	28
2.2. The policy of Turkey towards Syrian nationals	32
2.3. The situation in Turkey after the Syrian migration crisis of 2011	35
Chapter 3: The vulnerability of Syrian women in Turkey	43
3.1. Personal vulnerability	47
3.2. Typical vulnerability	50
3.3. Atypical vulnerability	54
3.4. The intersectionality in terms of vulnerability	59
Chapter 4: Human trafficking in terms of Syrian women	65
4.1. Overview of the human trafficking problem in Turkey	68
4.2. International and national legal framework about human trafficking	73
4.3. Application of the anti-trafficking law and the Turkish criminal code	82
Chapter 5: The phenomenon of Syrian women in Turkey	90
5.1. The exploitation of vulnerability of Syrian women	92
5.2. The demand for migrant women trafficking in Turkey	94
5.3. The shelters for women victims of trafficking created by the government and NGOs	99
Final conclusions and discussion	103
Bibliography	112

Abstract

Syrian women and girls in Turkey suffer from a gender-based approach in every aspect of society and this relies on multiple endogenous and exogenous features that result in vulnerability. Whilst Turkey has adapted international law into national law to offer some migration protection, there are major implementation gaps in reality. The lack of protection ends up in the affectation of Syrian women and girls' human dignity. Activists struggle with human trafficking, discrimination, racism and patriarchal values which mean that state agencies fail to fulfill their duty to protect against and investigate cases of violence against Syrian women and girls. All the struggles that Syrian women and girls are facing result in some conditions of vulnerability and we are discussing how the vulnerability may facilitate human trafficking.

Keywords: *Syrian Women, Vulnerability, Human Trafficking, Turkey*

List of Abbreviations

(AA) Anadolu Agency

(AFCA) Ankara and Antalya Family Counsellors Association

(AFAD) Emergency Management Authority

(AKP) Justice and Development Party

(CRC) Convention on the Rights of the Child

(CAT) Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment

(CoE) Council of Europe

(CEDAW) Convention on the Elimination of all Forms of Discrimination Against Women

(CRSR) Convention Relating to the Status of Refugees of 1951

(DGMM) Directorate General for Migration Management of Turkey

(ECPAT) End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Persons

(FETO) Fetullah Terrorist Organization

(FWS) Foundation for Women's Solidarity

(GRETA) Council of Europe's Group of Experts on Action against Trafficking in Human Beings

(GREVIO) Group of Experts on Action against Violence against Women and Domestic Violence

(GBV) Gender-based violence

(HRDF) Human Resource Development Foundation

(ICC) International Criminal Court

(IHRL) International Human Rights Law

(IHL) International Humanitarian Law

(ICTs) International Criminal Tribunals

(ICMPD) International Center for Migration Policy Development

(ICMW) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

(IOM) International Organization for Migration

(IPEC) International Programme for the Elimination of Child Labour

(ICCPR) International Covenant on Civil and Political Rights

(ICESCR) International Covenant on Economic, Social and Cultural Rights

(LFIP) Law on Foreigners and International Protection

(MoFLSS) Ministry of Family, Labor, and Social Services

(NAP) National Action Plans

(NGO) Non-governmental Organization

(PKK) Kurdistan Workers' Party

(PPE) Personal Protective Equipment

(PMM) Turkish Presidency of Migration Management

(SES) Socioeconomic Status

(THB) Trafficking in Human Beings

(TGNA) Turkish Grand National Assembly

(TRY) Turkish Lira

(UDHR) Universal Declaration of Human Rights

(UNICEF) United Nations International Children's Fund

(UNHCR) United Nations High Commissioner for Refugees

(UNTOC) United Nations Convention against Transnational Organized Crime

(YPG) Kurdish People's Protection Units

(ŞÖNİMs) Turkey's Violence Prevention and Monitoring Centers

Introduction: delimitation of the subject, methodology, and limitations

This chapter of the study will provide an introductory section in order to discuss the background of the main context. The brief background knowledge about Turkey's migratory situation will allow this study to address the research aims and perspectives. These will be shaped with the research questions in order to specify the objectives of this study and delimitate the subject. Followed by the research questions, the applied methodology and limitations will be addressed to justify the reliability. In the final parts, the outline will be provided to create a roadmap and address the evolution of the study. The introduction will be finalized by addressing the motivations and why this study is significant in terms of Syrian migrant women's human rights, and why there has been a need to address such a sensitive issue.

The Republic of Turkey's migration identity has shifted over the last decade from being an emigration country or a transit country to becoming the destination one for people who seek international protection (Kilberg R., 2014). Turkey gets tens of thousands of irregular migrants who originate from territories that are under war, conflict, or civil war. The reason why Turkey receives a high number of migrants lies along migratory routes which are leading from South Asia, Africa, and the Middle East to Europe, in other words, it has become a destination country because of her unique geographical transcontinental location bridging two continents that are lounging from Europe to Asia (UNHCR, 2008-2009).

The emergence of the Syrian Civil War in 2011 was a landmark year for Turkey in terms of migration matters because since then it has received a high number of asylum seekers, which has enabled Turkey to be defined as the country that is hosting the highest number of migrant people who seek refugee (HRW, 2022). The Turkish Government followed an open-door policy toward Syrian nationals with the financial support of the European Union. However, the continuation of the Syrian Civil War and the full involvement of Turkey in the sense that economically, politically, and military lead to the emergence of a complex atmosphere resulting in the violations of human rights because the complexity caused the neglect of some measurements. If we consider the fact that half of the Syrian nationals who migrated to Turkey were women and young girls, who are more likely to feel the existing inequalities or the war conditions denser, the violation of their human rights would be magnified by the neglect (United Nations, 2003).

The violation of Syrian migrant women's human rights is the main objective of this study which is urged by gender-based inequalities consequences. Women and young girls, in our case Syrian nationals, are exposed to increased levels of traumatic experiences, which include direct exposure to gender-based violence, disruption of family structure, and social disintegration. Moreover, they are exposed to unprecedented rates of sexual exploitation, forced marriages or early-age marriages, abuse, labor force exploitation, and torture in war conditions. While the conditions remain the same after their arrival to the country of refugee, their disempowerment starts to construct their vulnerability condition which prepares grounds for victimizing them for human trafficking. The aim of this study is to address the systematic lack of support for Syrian women and young girls, which may cause the victimization of trafficking in human beings (THB). Thus, the perspective is applied to migrant women victim-oriented in order to analyze the violation of their human rights in Turkey.

The aim and perspective of the study are bordered around by the following research questions which provide the delimitation of the subject of the study. The first research question raised as how the condition of vulnerability was constructed for Syrian women and girls in Turkey. The second question is as followed what are the implications of Turkey and its society in terms of the construction of the vulnerability types and how these can be identified for Syrian women and young girls. The third question raised as how the vulnerability condition facilitates to make Syrian women and young girls victimized by the criminal act of THB. In accordance with the research questions, the objectives of this study are adopted to identify Turkey's migration policy on gender-based and to evaluate the effectiveness or failures of its policies and approaches. Finally, the objectives are adopted to narrow down these impacts for the case of Syrian women and young girls who are the victims of THB.

The critical approach is acknowledged as an understanding method of this study in order to bring institutional and political solutions in terms of the adoption and implementation, developed by the interdisciplinary nature of human rights studies. The scope of this research touches upon the moral norms, political content, anthropological and economic implications besides the legal obligations as these are the premises of the human rights studies. The adoption of the qualitative methodology led to consider various primary and secondary sources of information for this study in order to analyse our case. It is significant to highlight that it was challenging to collect especially the primary source of information simply because of the sensitivity and complexity of the topic. The primary source

of information provides direct or firsthand evidence about an event, object, or person while the secondary sources of information are processing the primary sources.

While analyzing these sources of information, it was adopted a longitudinal time horizon since the research involves collecting information over multiple years and we needed to build the reasoning. Postcolonial feminist Mohanty C., 1988:67, stated that “*everything must be theorized and interpreted within specific societies, both in order to understand it better, as well as in order to effectively organize to change it*”. Interpretivism is adopted in terms of analyzing the case based on its time, place, and context besides bidding the concept in one pillar. The adoption of the ideologies and methodologies have been chosen specifically with their combination for this study’s attention and it would not be coherent to address the multiple aspects of migrant women’s rights in terms of their victimization process from one perspective, hence, the process of investigation will support the research in welcoming the subjective reality.

In accordance, Chapter one is mainly dedicated to illustrating how the matter is addressed in the literature, the main grounds for the construction of their vulnerability, and the main human rights abuses that they struggle with. We consider that they are belonging to specific or disadvantaged groups due to the fact that they are sharing similar obstacles such as discrimination based on their gender and nationality and it matches their identifications. Thus, we will be analyzing these aspects as the grounds for the construction of the vulnerability condition. This chapter will be focusing on the construction of their vulnerability condition which emerges from lacking human rights and this situation is victimized by perpetrators for the crime of human trafficking and finally focus on the main problems of human trafficking crime in terms of human dignity and rights. Although the following chapters will be analyzing deeper the concepts of vulnerability and human trafficking in terms of Syrian women and young girls who experience these challenges in Turkey, this very first chapter will prepare the grounds for the deep analysis of the study.

Chapter two is devoted to addressing the legal and political side impacts of the construction of the vulnerability condition of Syrian women and young girls. The Republic of Turkey, as the signature country of the 1951 Refugee Convention ratified it with a *geographical limitation* and does not grant Syrian nationals as refugees because of the limitation that grants only citizens from the Council of Europe member states as refugees (Gecici Konuma Yonetmeligi, 2014). Syrian nationals are granted temporary protected status, which brought up a special name for them as "guests" which is used by the Turkish

Government to establish a more peaceful environment (Toğral Koca, B. 2016). This chapter will be illustrating the Republic of Turkey's experiences throughout the last decade which has impacted Syrian women and young girls in regard to the political, economic, and military atmosphere because of the full involvement of Turkey and the increasing numbers of Syrian nationals.

Chapter three will be addressing the deeper analysis in terms of how the condition of vulnerability can vary based on the cases and bring into light the types of vulnerability in order to illustrate how the Syrian women and girls' challenges can vary also in vulnerability conditions. We consider that Syrian women and young girls who live in Turkey regardless of their legal status are belonging to specific groups thanks to their shared identifications in terms of gender, ethnicity, nationality, race, belonging to social class, sexuality, dis/ability, or suffering from similar challenges. In this chapter, the variety of vulnerability conditions will be divided into four aspects such as personal vulnerability, typical vulnerability, atypical vulnerability, and finally intersectionality. The complexity of the conditions allowed us to divide them into sections in order to analyze them in a more effective way for the specific cases. This division provided the grounds for reasoning why they are targeted by perpetrators for THB and why it would be relatively easy to be deceived by false promises.

Chapter four will be illustrated with an overview of the situation of human trafficking in Turkey in terms of Syrian women and girls while addressing the brutal impacts on them. From a legal perspective, this part of the study will be focusing on the application of international and national legal frameworks in the Turkish Criminal Code in combating the trafficking in human beings of Syrian women and young girls. In Turkey, every day, women are exploited by traffickers, convincing or forcing people into labor, prostitution, domestic servitude, begging, stealing, and sometimes, selling their organs. Although there is not a certain profile of victims, they can be from any age, gender, ethnicity, race, nationality, etc, however, we can say that they are chosen based on their current condition. This part of the study allowed us to analyze the legal enforcement of sanctions in terms of the results of targeting Syrian women and young girls.

Chapter five will be focused on the results of all the impacts of the stereotypes that built the phenomenon of Syrian women and young girls who are identified as belonging to vulnerable groups. This is the final chapter that will combine the exploitation of Syrian women and young girls' vulnerability condition which is driven by the demand side of human trafficking as the results of the driven impacts. Even though the literature did not give enough

attention to the demand side of trafficking, this dissertation considered it as another aspect in terms of the exploitation of Syrian women and young girls because it is one of the impacts of the lack of a protection system which encourages some to exploit relatively disempowered. The final points will allow us to understand how the social structure can also be determinative for such problems besides the lacking protection of the state. In this aspect, the public and protection policies of the state have significance in terms of creating a peaceful environment for the society where there is the highest migrant population and in order to do so cooperation emerges as one of the most needed policies as it is one of the main pillars of combating human trafficking.

Overall, the topic of this study needed high sensitivity and there have been found few limitations while collecting the sources of information. First of all, it was challenging to conduct direct interviews with the victims and state organizations. Although interviews were arranged both with the victims and a couple of NGO members, it was canceled by them at the last minute due to the sensitivity of the topic they prefer not to express themselves. While collecting secondary sources of information, we have found limitations based on the lack of sources or missing sources about certain information such as the differentiation of a registered number of Syrian nationals in Turkey according to state sources or NGO sources. The collection of secondary sources of information consulted also international publications besides focusing only on the national level and this led the study to compare in a comprehensive way.

This study is motivated by the interest in migrant women's human rights with particular attention on Turkey since it is hosting the highest number of refugees in the world with the arrival of Syrian nationals. In terms of Syrian migrant women's human rights in Turkey, the research motivation developed by the fact that the lack of migration policies constructed vulnerable conditions for Syrian women and also for young girls, and in most cases the construction of their vulnerable conditions started to victimize them in trafficking in human beings (THB). The situation of constructed vulnerability of Syrian women and girls encouraged perpetrators to benefit by victimizing them for exploitation and human trafficking. In the wake of this delicate and complex situation, the analysis is driven by the victimization of Syrian women and young girls because of the vulnerability condition in terms of human trafficking types while picturing the policies and the law enforcement of Turkey for the related crime act.

Chapter 1: Context and previous considerations

This chapter will be addressing the background of the context in terms of reasoning the Syrian women and young girls' main motivations to migrate which evolved into the analysis of this study. The previous considerations will allow this study to illustrate how the construction of their vulnerability started and how it reasoned with the violation of their human rights. In this aspect, the literature review will be analyzed in this chapter in order to provide the justification for the study, analyze different approaches, and illustrate the gaps. The literature review is a significant part of this study because it shows the reflection of Turkey's high-level political discussion atmosphere. In the following parts of this chapter, the analysis of the human rights issues of Syrian women and young girls in terms of the way that construct their vulnerability which victimize them to human trafficking. This aspect will be divided into two sections in order to illustrate the human rights violations and the construction of the vulnerability based on their levels because the analyzed cases have their unique consideration in terms of international, national, societal, and personal levels. Thus, this chapter is dedicated to reviewing the main background of the study in terms of reasoning the concepts of the vulnerability condition of Syrian women and young girls and human rights violations that have an impact on victimizing them. This part of the study will be a roadmap for the research in terms of understanding the main background.

Syrian nationals started to migrate with the well-founded fears and brutal impacts of the Syrian Civil War to the safer zones which became neighboring countries such as Iraq, Jordan, Lebanon, Iraq, and Turkey. The mass migration from the Syrian Arab Republic to neighboring countries and then to Europe is the largest migration movement since the Second World War and the Syrian migration flow in Turkey is as old as the Syrian Civil War (Reid K., 2021). The Syrian Civil War fired up with the Arab Spring that spread around the Middle East and North African countries that encouraged the uprisings of civilians for democracy and freedom, however, the consequences of these uprisings result in civilian threatening wars. The Arab Spring started with a young Tunisian who was selling vegetables from a wheelbarrow set himself on fire to protest police harassment on December 17, 2010 (Hürriyet, 2021). After a short while, the Arab Spring spread around resulting in Civil Wars in the Middle East like a forest fire. The general consensus emerged as a combination of critical political, economic,

and social factors. The 2011 Arab uprisings shook the Middle East and North Africa and reshaped the region in various ways. While the protestors in several countries were seeking more freedom and democratization, the follow-up repression and the fall of long-standing dictatorships has led to civil wars, therefore, the atmosphere in the Middle East turned to be an unrest one (BBC News, 2022).

The unrest in the Middle East and North African countries spread and the crackdown intensified in the Syrian Arab Republic as well. Torture of young people at first ignited peaceful protests and called the state for democratic reform. However, under severe pressure from the government, the opposition armed to defend itself, and later it turned to rid of the security forces. Mr. Assad (President of Syrian Arab Republic) called the oppression “foreign-backed terrorism” and the rebellion turned into a civil war where hundreds of rebel groups sprung up (Britannica, 2022). The main actors that primarily exist in the region and hold the right to speak in fluctuating balances are as follows: Turkey, Russia, England, USA, Iran, EU, China, Israel, Egypt, Saudi Arabia, Qatar, etc. (Akyener O., 2018, pp. 12). Therefore, the involvement of multiple strong international actors made the Syrian Civil War an international matter and eventually affected the lives of civilians as they have become immigrants to neighboring countries. The Civil War in the Syrian Arab Republic is still going ahead and as a result of the Civil War that took place in 2011, Syrian nationals, who were subjected to migrate from their borders, started to enter Turkey as of April 29, 2011, with a welcoming open door policy of Erdoğan Presidency (Erdoğan M., 2019).

Since the beginning of the Syrian Civil War, Turkey welcomed Syrian nationals with the application of an open-door policy for humanitarian reasons. The Republic of Turkey and the Syrian Arab Republic are border countries, therefore, it is one of the biggest motivations for Syrian nationals in order to urgently seek international protection from Turkey. Moreover, the fact that President Erdoğan openly called Syrian nationals into Turkish territory by stating that Turkey and Syrian people are “religious brothers” since they belong to the same religion which is Muslimhood, thus, they are all welcome to live in Turkey based on this ideology (Ahval, 2022). The Republic of Turkey was also encouraged by the European Union in terms of financial support in turn Turkey would keep the immigrants who seek to move forward to European borders.

However, the situation did not remain as the plans of the Turkish Government for returning Syrian nationals, on the contrary, they have become permanent over time because of various reasons. The very first reason is that the Civil War still going ahead in their home

country. Instead, the Republic of Turkey has involved more in the complexity of it and the Civil War seemed endless, Syrian nationals sought for better life without fear of death or unbearable living conditions, therefore, more people started to migrate around the neighboring countries, including Turkey. The duration of their stay was getting longer and the importance of effective migration policies increased because the situation was getting into a non-negligible condition. It was predictable that Syrian nationals would stay for a longer period because the situation was getting more complex to be solved on both political and military levels of the Syrian Arab Republic and the Republic of Turkey. The longer duration of stay with lacking fundamental rights emerged as a challenge for the Syrian population in Turkey because of some stereotypes that avoid their integration into society. However, the gender distinction appeared as an additional struggle for Syrian women and young girls because of those stereotypes.

According to the latest available figures from the Turkish Presidency of Migration Management (PMM), there are more than 5.2 million foreign nationals presently living in Turkish territory (DTM, 2022). The majority of this population are from the Syrian Arab Republic, who are seeking international protection, however, the frequent applicants from Ukraine, Russia, Afghanistan, the Islamic Republic of Iran, and Iraq have started to be reported. As of October 2022, the number of registered Syrians under temporary protection status in Turkey reached a total of 3 million 652 thousand 134 people (Mülteciler Derneği, 2022a). According to some Turkish NGO reports, there are over 5 million Syrian nationals in total who live in Turkey, half is the women and children and many of them live without legal registration (Bozdogan I., et al. 2022).

In the scope of this aspect, other international organizations such as the United Nations High Commissioner for Refugees (UNHCR) work with Turkey to ensure that people who seek to be asylum and reach safety without detention risk, not subject to refoulement and have access to legal procedures to get the temporary protection (UNHCR, 2008-2009). However, the complexity of the matter and the full involvement of Turkey have caused a change also in political rhetoric by saying that Syrian nationals will be back in their country of origin soon as the Civil War ends under the rhetoric of “dignified return” (Ahval, 2022). This was also recorded as a change in the long-help policy of Turkey towards the Syrian migration matter. Turkey is part of the temporary protection regime and Syrian nationals who seek protection from the Turkish authorities under normal circumstances are admitted to

Turkey, and thereafter can seek and receive temporary protection from the Republic of Turkey.

Although Syrian nationals are granted such rights and seem under protection by the neighboring countries and also internationally, they have been experiencing the brutal impacts of being an asylum seeker. However, there is a dimension that can address the obstacles from another perspective, which is the fact that women, children, and men experience conflicts or wars differently. In other words, it is known that women and children have been known to suffer disproportionately from wars compared to men because they are identified as the most vulnerable and prone to be affected by those conditions (Madzima T., 2013). As a matter of this study, particular attention will be given to the Syrian migrant women's human rights in Turkey, and how the lacking of rights make them in a disadvantaged position because of the different impacts of the Syrian Civil War and migration situation.

Many cases of trafficking of Syrian migrant women and girls have been reported by local and international NGOs after the Syrian migratory crisis emerged in Turkey. In the cases of human trafficking, generally, victims are chosen from disadvantaged groups because it is easier to deceive them by the reasons that will be analyzed. Being in the disadvantaged groups can be defined as people who are challenging more in order to get their fundamental needs and in our cases as the definition applies also to the construction of vulnerability, Syrian women and girls believe in false promises because they are hoping for better living conditions and they are highly likely to take more risks. Therefore, the point is to highlight the fact that Syrian women and girls who migrated to Turkey, become a relatively easy target for perpetrators as a result of personal and social conditions that makes them suffer from vulnerability. The gender-based approach and stereotypes about Syrian women and young girls construct these conditions of vulnerability.

The president of the state-run Migration Directorate, says about 70 percent of human trafficking victims in the country are those who were victims of sexual abuse or women trafficked for sex (Daily Sabah, 2018). Speaking to Anadolu Agency (AA), the President of the state-run Migration Directorate also noted a change in the profile of trafficking victims with the influx of Syrian nationals and since 2014, Syrians also make up the majority of victims, and trafficking for forced labor, prostitution and begging reported an increase (Ibid). The reason is that previously women or young girls who are the victim of human trafficking, especially those who are sexually exploited, were from former Soviet Union countries. There is even an invented name for them to be identified without given details, which is "Natasha".

It has not clearly seen if there is a sharp decrease in the victim profile from the former Soviet Union, however, the sharp shift in victims profile has been recorded with the number of Syrian women and girls in the cases of human trafficking.

There are several reasons behind the shift in the reported cases and the biggest one is that there is an increase in the Syrian nationals' arrival and those who already arrived, try to stay for a longer period because the Civil War still continues in their borders. Since their duration of stay is longer than planned for Turkey, the number of disadvantaged people number has increased as well and this reflected some challenges in order to be overcome as the stereotypes about Syrian women emerged against them. A couple of examples can be given as Syrian women described as exotic beauties, or they are more used to polygamous marriage structure without legal conditions, or they can get married at early ages soon as their period starts, or many of them are not legally registered in Turkey, therefore, these kind of stereotypes are preparing the ground for perpetrators in order to deceive Syrian women and young girls for the purposes of human trafficking types. Overall, this part of the study will mainly focus on the ground for such violation of their human rights and the following chapters will be analysing deeper the vulnerability and human trafficking in terms of Turkey per se.

1.1. The literature review

The Republic of Turkey has been always a multinational society for centuries thanks to its long and fascinating history. The structure of the multinational society has evolved as a result of massive wars between countries from different continents. Turkish society is used to living with other civilizations, especially with Balkan people thanks to the Ottoman Empire term. Over the years, the wars and migration flow have shifted from Balkan and Former Soviet Union countries to the Middle Eastern ones and this situation affected Turkey to host nationalities from different regions because of her unique geographic location that ties Europe to Asia and neighboring the Middle East.

Since March 2011 the civil war occurred in the Syrian Arab Republic, the migration issue has been on the agenda of Turkey both in politics and literature because of its complexity and the involvement of Turkey. There are a couple of reasons behind this and the

biggest reason is that Turkey has become a country that is hosting the highest number of refugee population primarily Syrian nationals within its borders. They choose to flee to Turkey because the Syrian Arab Republic and the Republic of Turkey are neighboring countries from the South part of Turkey, therefore, this makes Turkey's geographic position where is the closest solution to escape from well-founded fears. In the world literature, Syrian nationals are identified as refugees, however, Turkey identifies them politically as “guests” who are legally under temporary protected status because of its geographical limitations (Abdelaaty L., 2021). The approximation to the refugee law of Turkey will be the focus in chapter two with reasoning the impacts on Syrian women and young girls.

Half of the Syrian nationals who are under temporary protection are women and young girls and some of the NGO reports addressed that there is also a high number of women and girls who are not even registered legally since both countries location. Over time, attention rose to the migration concept in Turkish literature in order to analyze the situation in a more efficient way because it was needed more than an interest because the high number of Syrian women and girls had started to face a couple of challenges that affected their life and also the impact on Turkey was inneglitable. The challenges that they are mostly facing is based on patriarchal structure and gender-based approach towards Syrian women and girls in Turkey. The gender-based approach can be discriminative in a society if it is a case towards a specific nation or group. It can lead the discriminative way toward hate crimes which makes daily life harder for Syrian women and young girls. Besides the hate crime cases, the discriminative attitudes were effective on the construction of the vulnerability condition.

The Syrian migrant women and young girls have been considered vulnerable in a vague term, however, some studies have defined the elements of the vulnerability based on the context of the country of destination, in this case, we consider Turkey’s approach. The Intersectoral Vulnerability Survey has been done in Turkey with rounds in order to show the vulnerability conditions of refugees living in Turkey shows that the peak of suffering from the economic conditions was during the period of the global pandemic COVID-19 because of the restrictions. The main finding of IVS was the fact that the pandemic seriously damaged Syrian households to meet their fundamental needs for their daily life (Turkish Red Crescent, 2021). The pandemic is not the only reason in which their situation of vulnerability has been raised, on the contrary, it was already an issue in Turkish political agenda whether their condition is enough to maintain their fundamental needs.

It has been expressed in the literature that after the Syrian migration crisis of 2011, the trafficking networks have targeted Syrian women in neighboring countries of Syria including Turkey, or on their way simply because there is the effect of their vulnerability condition. As various NGOs and international organizations have condemned, poor living conditions, integration barriers, gender-based approaches, and legal inequalities before the law or inequalities, in general, unfortunately, have a direct relation to being the victim of human trafficking. The reason has been shown in the literature as the vulnerability of people can make them an easy target because it is easier for perpetrators to deceive the victim with their false promises since they have urgent needs to be solved.

Ideally, the literature agrees with Gerard A., and Pickering, S., (2011) description of the violence or abuses that migrant women would suffer while fleeing from their country of origin crossing international borders and after arrival to the host territory for well-founded reasons. It can be assumed that crossing international borders may put them in vulnerable conditions simply because they are not welcomed where they try to reach or they may face danger on the way to the host country. The conditions may affect them with various results and the variety of violence types result with different types of vulnerability. There is a need to underline the various definitions of the vulnerability concept and this research will deeply analyze every aspect of the vulnerability which is mostly resulting in the human trafficking of Syrian women in Turkey.

Vulnerability can be personal, typical or atypical, however, primary to this division the World Health Organisation defined the vulnerability concept in the matter of environmental disasters and moreover, this way acceptance has developed by Blakie, describing the vulnerability as “the characteristics of a person or group and their situation that influence their capacity to anticipate, cope with, resist and recover from the impact of a natural hazard (an extreme natural event or process)” (Wisner B., and Adams J., n.d.). This definition gives us an idea about the concept, however, it opens a door where we need a deeper analysis because only natural disasters cannot enlighten the situation that puts migrant women and girls in a vulnerable situation, therefore, we will be covering this lack of information and the impacts deeply in chapter three of this research.

The vulnerability condition is covered under this study to analyze its impacts on victimization of Syrian women and young girls in human trafficking. Human trafficking is also to be called "modern slavery" as it is a violation of human rights, offensive to human dignity and constituted one of the most degrading types of crime in the history of humanity

(ILO, 2022). Human trafficking is the third most common crime in the world after arms and drug trafficking, which makes it one of the most inhumane and serious crimes according to the United Nations. In 2016, the UNODC Executive Director Yury Fedotov, on the occasion of the United Nations World Day against Trafficking in Human Beings, defined human trafficking as “a parasitic crime that feeds on vulnerability, thrives in times of uncertainty, and profits from inaction” (Fedotov Y., 2016).

The United Nations Office on Drugs and Crime (UNDOC) once reported that Turkey is one of the top destinations for victims of human trafficking (BBC News, 2007). The reason has been seen as the construction of their vulnerability due to various aspect that makes them mostly the possible victim. Before the events occurred in the Syrian Arab Republic in 2011, source countries for identified victims of trafficking in Turkey included Russia, Asian, and Eastern European countries. Especially, the women migrants from the former Soviet Union had become equated with the term “prostitute” whether they are sex workers or not. In the Turkish language, they had been given a special name “Natasha” which has come to mean a sex worker from the aforementioned routes and is often used as a generic name for women from there (Gülçür L. and Ilkcaracan P., 2002).

Over the last decade, there is a sharp change in the victims’ profile of human trafficking in Turkey since the migration flow has shifted from Asian or Eastern European countries to Middle Eastern ones. Especially, Syrian women migrants have been becoming targets for human traffickers in Turkey because of various reasons. For instance, they may not hold legal recognition documents, they may be unaccompanied and less educated, they may believe in false promises of perpetrators while they are seeking for job or they may have some debts from the past in which they were migrating for the reasons to arrive in Turkey. These aspects show that they are in specific groups in which their vulnerability is constructed in a couple of ways.

The changes in narrative avoid the addressing in the research field, especially those subjects which need high attention and sensitivity. The subject here is to address the exploitation of the human body, those who are migrant women targeted, need to be addressed in the literature in order to be heard, create awareness and bring practical solutions. While conducting resources, the instabilization both in Turkish currency and politics, financial crisis, and integration problems of migrants are far more highlighted than the Syrian women trafficking victims and their reasons. The lack of sources avoid also the case to be solved on behalf of the victims because it is causing it to be urged no earlier than it should be. In

Turkey, there is high tension in politics in terms of freedom of speech and this reflects the lack of it in scholarly literature. We can clearly see that there are gaps in studies about human trafficking in general in Turkish literature simply because the situation is not expressed enough.

1.2. Syrian women in Turkey: how the construction of their vulnerability facilitates human trafficking?

Syrian women leave their country due to civil war that is held within their territory and they mostly choose to migrate to the border country Turkey which is one of the closest destinations to flee from well-founded fears. Pursuant to the Turkish NGO reports, currently, there are over 5 million Syrian people who live in Turkey, and almost half of them are women and young girls (Bozdag I., et al. 2022). Syrian women and also young girls face highly risky challenges whether on their way or after their arrival in Turkey because of various reasons that are linked to their gender. The focus here is mostly on their situation after their arrival, however, there are also some cases that especially in unaccompanied women and young girls face violence and other types of inhumane conditions on their way to Turkey. Syrian women and young girls face discrimination, violence, racism, and integration problems that are linked to their gender. In this part, we will be analyzing the effects of these challenges in order to clarify their construction of the vulnerability condition that is causing them as being the possible victim of human trafficking.

Human trafficking is recently known as modern slavery which involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act for the economic benefit of perpetrators. The Article 3 of the the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (known as Palermo Protocol) defines human trafficking as follows (OHCHR, 2000):

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

Although the Protocol addresses every side of the human trafficking comparing to other declarations and international conventions, it represents a compromise between sectors in which THB might occur and on the other hand allows room for interpretation (La Strada International, n.d.). In our case, before and after the arrival of Syrian nationals in Turkey, they face challenges repeatedly on their behalf, especially migrant Syrian women and young girls because of direct discrimination linked to their gender and nationality. We consider that Syrian women and girls are belonging to specific groups due to several personal and social conditions that push them into a disadvantaged position in Turkish society. The reason why this specific group identified as under the vulnerability condition, relies on various aspects of Syrian women and girls' challenges. The vulnerability is an aspect that has affectation of Syrian women and girls' enjoyment of their fundamental human rights. As Eduardo Galeano said: *"in everyday life, even if you do not know it, you are always choosing between freedom and fear. And that somehow makes politics"* (cited at Poggi F., 2017), regrettably, Syrian women and girls are unable to choose their freedom while their victimization is constructed, and they find themselves in a situation where they have to choose fear.

The concept of vulnerability has been used in the literature in order to identify specific groups who are more likely to suffer from a measure of difficulty which is associated with the personal, social, physical, or economic aspects. In the cases of Syrian women and young girls, they are often known as they cannot enjoy their fundamental rights and they belong to a specific group because of two main reasons they are women and on the other hand they are seeking asylum. This makes them somehow a specific group because they are more likely to

suffer from similar challenges. Every different nation that lives in Turkey cannot be identified as belonging to a specific group, however, Syrian women and girls who are suffering from mostly gender dimensions make them be identified as a specific group because they are sharing mostly the same features both legally and socially. Belonging to a specific group can be determinative based on various aspects such as gender, ethnicity, nationality, race, belonging to a social class, sexuality, or dis/ability. The situation of being in a specific group in which they repeatedly face similar challenges prepares groups for the construction of vulnerability because the challenges are linked to their aspects that they cannot change such as gender or nationality (these could be also preferred identifications) and avoids them to empower by themselves.

The vulnerability can be constructed from where there are specific groups that are more likely to suffer from the current conditions that they need to deal with in a more intense way compared to the host society. Syrian women and girls who live in Turkey under temporary protection are challenged for needs relatively more compared to Syrian men because of gender-based dimensions. They are already coming from a patriarchal social structure and this generalized condition is the base of various follow-up challenges in which women become dependent on somebody else in a foreign country. Turkey has a culturally patriarchal societal structure and a long history in terms of violence against women, and lack of protection over victims of gender-based violence. The most recent example can be given as the withdrawal of Turkey from the Istanbul Convention. Thus, Syrian women and young girls' temporary protection status which identified them as guests, and the gender-based challenges including the lack of protection can be counted as the basis of the construction of their vulnerability.

Many Syrian women and girls are impacted by the welcome conditions in Turkey because they face resistance directly linked to their gender. The gender-based approach in Turkey is requiring Syrian nationals to be more tenacious as they are trying to integrate into the host society. However, there are lots of obstacles that they need to manage beforehand such as bureaucratic ones. The gender-based discrimination that they face prevents them to be more present in public and this is causing the integration process to be longer. Another case is the language barrier because the language struggle avoids them to apply for the jobs they are capable to do. However, in most cases, they cannot prove their qualifications because their documents are deemed invalid or they lose their documents while they were on the way to

Turkey. The obvious obstacles are being more challenging for Syrian women and girls in order to be integrated and find a place for themselves in the new society.

The biggest struggle that they are facing is the stereotypes and prejudices directly linked to their gender. The gender-based discrimination increases social and economic inequalities within the migrant population and also in the host society. Besides being in an economically disadvantaged position, there are also lots of stereotypes that Syrian women and girls suffer from. For instance, Syrian women and girls are wearing the headscarf and it is a subject of debate when it comes to assimilation into Turkish society because it is worn differently even though both societies are Muslim and it is also a fact that headscarf is not mandatory in Turkey so there are a lot of Turkish women who are not wearing it and this can also differentiate them. There are also some sayings that Syrian women are in Turkey to steal the husbands of Turkish women. This is such prejudice that is based on the conception of the polygamous family structure in Syria, however, this is not the case in Turkish family structures (Pele M., 2020).

These gender-related determinations and some stereotypes are showing us how women migrants are one step back from being integrated into Turkish society. Moreover, it might be important to highlight that mostly unaccompanied Syrian women and young girls are suffering from the gender-based approach and stereotypes because they are already coming from a patriarchal society and they even feel less powerful in a completely new environment that is also patriarchal. However, these are not only challenges that they face, but there are also legal steps that they need to overcome such as getting a residence permit. A follow-up struggle can be given an example of finding a job and having a permanent place to stay. The dilemma here is very tricky because the cycle follows as if you are in legal procedure to be registered in the Turkish system, you cannot seek a job and if you do not have a job, you cannot have a permanent place.

A research which has funded by the Government of Iceland is based on structured and in-depth interviews with 1,291 Syrian women and girls across seven cities in Turkey found that Syrians are able to enroll in free of charge state-supported Turkish language courses, but the study resulted that almost 70 percent of Syrian women cannot speak any Turkish (Erkuş S., 2018). Moreover, these facts remain the same pursuant to another study published in a famous Turkish newspaper. The study highlights the lack of language skills hinders Syrian women and girls' ability to get access to fundamental rights and services according to a needs assessment carried out by U.N. Women and the Association for Solidarity with Asylum

Seekers and Migrants. We can see here the fact that there is a lack of announcements of free Turkish language classes that are dedicated to Syrian nationals and this is resulting in the fact that they cannot learn the Turkish language.

The language barrier creates a sort of problematic cycle for them because the lack of communication puts them one step back in every way receiving fundamental needs. Although Syrian women and girls face discriminatory attitudes, prejudices and language, and/or cultural barriers in their daily life, 73 percent do not know where to find and seek assistance related to violence or harassment (Ahval, 2018). *“While many countries in the EU and the US are closing their doors to asylum seekers, in Turkey our assessment found that Syrian women generally feel secure, but they face challenges to overcome poverty, access affordable housing and jobs,”* (UN Women, 2018) said Sabine Freizer, UN Women Governance, Peace and Security Policy Adviser for Europe Central Asia and acting Head of Turkey Office and added: *“To overcome these challenges, many Syrian women need Turkish language training, more knowledge about their rights to work and services, and access to better regulated and less expensive rented lodgings”* (Ibid). The lack of informative welcome policies is causing them to have less information about their conditions and it procrastinates their status to be improved. If they could be aware of their rights or where to receive such official helps, it would create a much more trusted environment because Syrian women and girls would know that efficient protection mechanism once they need it.

Moreover, another biggest struggle that they are facing is finding a regular job because if you are somehow women migrant in Turkey which is in the middle of a financial crisis because of inflation instability, the situation might be more challenging for them to find a regular job. There are already barriers because of some stereotypes, or discriminative attitudes towards them as mentioned and the financial crisis appears as an additional barrier to overcome. However, there are also legal barriers that they need to handle beforehand seeking a job because of the legal permit issue. In Turkey, employers are seeking from them whether they have already a residence permit, work permit, or temporary protection period. However, the problem is beyond these requests because there are some bureaucratic steps that Syrian women and girls need to take until they get those work permissions as mentioned above.

The new regulation on work permits entered into force by the Turkish Government for the Syrians who are under temporary protection in 2016. According to the regulation named Work of Foreigners with Temporary Protection Regulation on Permissions, Article 5- (1) says that *“Foreigners under temporary protection may apply to the Ministry to obtain a work*

permit six months after the temporary protection registration date” (Temporary Protection Article, 2016). However, this has not significantly changed the negative picture, as only around 65,000 work permits had been issued by the end of 2018, according to the report of the Interior Minister of Turkey (Kirişci, K. and Uysal G. 2019).

As the new Turkish regulations stipulate, work permits cost time and money, and also need to be renewed regularly. Moreover, the waiting period is six-month to get the residency requirement makes the process unsolved for a period simply because Syrian nationals are not allowed to work in the first six months after arrival, therefore, their concerns keep growing for the future (Kirişci, K. and Uysal G., 2019). There is a sort of dilemma that they need money to apply for a residency permit and they are not allowed to work for it, therefore, it pushes them to work under illegal conditions where their rights are exploited. For instance, they work for a longer time, get paid less and work without health insurance. Even though finding a job is difficult for Syrian nationals in Turkey, Syrian women are having additional restrictions to finding a job because of stereotypes and other prejudices.

The challenges that Syrian women and girls are facing, make them feel discriminated in society and eventually, this makes them feel insecure about their future. The language barrier, lack of support, lack of integration policies, unemployment, gender-based approach, discrimination, lack of legal recognition, or not having permanent conditions can be summarized as the possible reasons for the insecure future. The combination of desperate conditions increases and constructs the vulnerability of Syrian women and girls without any doubt because the various types of unfortunate cases can occur as a result of those conditions and this can be called the creation of vulnerability. The vulnerability is to be used for their constructed situation, in other words, it is used to describe their condition not to identify them.

Syrian women and girls are not to be identified as belonging to vulnerable groups, whereas the conditions are built for them to construct the vulnerability. The construction of their vulnerability is not only personal based, but it is also systematic construction by the lack of public and protection policies of the host country which can be addressed by dividing it into sections. Vulnerability is not to be used as a single word that is enough to define the situation of Syrian women and young girls because the variety of challenges creates many different cases which are resulting in the construction of types of vulnerability types which will be analyzed in chapter three of this study. As the result of the construction of their vulnerability makes Syrian women and young girls an open target for perpetrators who is in search of victims to act the human trafficking crime. The reason is that perpetrators are

generally searching for people who are psychologically down or those who are stuck on their way to building a life. All those conditions mentioned above where Syrian women and girls found themselves make them feel alone, stuck somewhere or lost in their presence. Thus they are becoming an open target also because they decide to accept any kind of simple job that they can do at some point.

1.3. Main issues related to Syrian women trafficking in terms of human rights

In Turkey, Syrian nationals whose half of them are women often trafficked or exploited because of challenges that brought them into vulnerable conditions where they can be easily deceived into false promises. They are facing challenges since the beginning of their journey with the migration situation of their well-founded fears. On the way and after arrival, they face conditions where they cannot get the basic needs that every human being should have from birth such as food and shelter. When they cannot provide these fundamental needs, they are accepting low working conditions or believe in the false promises of traffickers because they do not have any other choice but to survive. It might be inconvenient to express that all Syrian women and young girls are the victims of human trafficking, however, the reported cases are mostly seen where the various types of vulnerability constructed and both are the challenges and the victimization in THB have a common point which is targeting their gender.

The purpose of this part is to analyze and consider what are the main struggles that victimize Syrian women and girls in human trafficking. If Syrian women and girls cannot even get their fundamental needs, there is no viable alternative for survival other than situations that could be defined as exploitation and/or trafficking in national and international law. The complexity of Syrian women and girls' situations is influenced by the war and violence itself. While they are fleeing, they might be even in horrific situations from the beginning of their journey. The reason is that they may go into debt with smugglers for travel reasons and the biggest problem of this can easily develop into human trafficking simply because most likely they cannot start working immediately right after arrival because of various aspects such as language restriction and in this case they cannot pay their debt to smugglers and this opens a gate for smugglers to exploit Syrian women and girls in exchange

of arrival payment. However, this is only one type of example that can be given in order to understand how they are becoming an easy target for perpetrators.

Human trafficking is one of the worst crimes that can happen to a person because it is against to person's freedom and dignity. Being the victim of human trafficking abuses Syrian women and girls' freedom which is one of the essential basic rights. In this kind of criminal act, the first right that is taken away from a person is freedom and the rest of the needs are becoming impossible to reach because the person cannot decide what to do in his/her life. According to Article 2 of the Universal Declaration of Human Rights (1948); "*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*". And Article 3 says that "*Everyone has the right to life, liberty and security of person*". Freedom is given to the people from birth, however, this is taken away in slavery cases and Syrian women and girls whose freedom is restricted in a corner, cannot find a place for themselves in the host society.

The exploitation of women avoids them to reach their needs such as health services, education, protection, and socializing in the host society. As their vulnerability continues to increase, they are becoming more dependent to the smugglers because they are systematically socializing from the outside world by their smugglers. This is creating serious psychological damage for Syrian women and girls because the condition makes them feel alone and personally vulnerable. Education is the key for socializing because they can have the chance to learn the local language and this opportunity can provide them to socialize. Socializing is the key for the integration of migrants into the host society, however, this right is taken away from them in the cases of Syrian women and girls' human trafficking.

Trafficking for sexual exploitation is one of the most prevalent forms, followed by labor exploitation. Other trafficking forms include forced criminality, removal of organs or forced begging on the streets (European Commission, Migration and Home Affairs, n.d.). The human trafficking cases that we see in Turkey for Syrian women and girls are not different from the aforementioned trafficking forms, however, we can say that they are often trafficked for sexual harassment because of a gender-based approach. Sexual violence against specifically Syrian women and girls relies on many aspects of the host society such as patriarchal views, stereotypes about Syrian women as exotic beauties, and all other men-based thinking types.

Syrian women and girls are particularly at risk of exploitation for sexual purposes, forced marriages, and rape. Once they found themselves in a vulnerable position, perpetrators use this against them. For instance, perpetrators take pictures of women to use them against them while they are acting the crime of rape and perpetrators scare women and girls by saying they will show those pictures to their relatives etc. Syrian women or young girls do not feel powerful in that condition because they do not know where to seek help and in this case, they find themselves in a condition which they have to do whatever perpetrator says also because of the patriarchal structure of their family, they are scared to share such problems with them. In this case, eventually, Syrian women and girls are becoming victims of human trafficking.

Another aspect is what young girls are facing because child marriages and polygamous marriages are also becoming serious problems for Syrian women and also for young girls in Turkey. Unlike in Syria, polygamous marriages are outlawed in Turkey and Syrian women do not set a condition for legal marriage. The reason is that according to muslimhood a man can set a polygamous marriage by swearing on Qur'an and there is no legal obligation for this. However, the polygamous marriage structure brings other human rights violations for women such as domestic violence. Some volunteers observed that Syrian women often become the victim of prostitution after escaping from domestic violence and even some of them were forced into prostitution by their partners (Karakaş B., 2018).

As OXFAM defines all refugees and displaced people have the right to receive legal assistance, the right to protection from violence or abuse, and the freedom to seek asylum should be applicable regardless of who they are or where they come from (OXFAM, n.d.). Another issue is that Syrian women or girls who are the victims of human trafficking cannot access to health services due to their restricted freedom. It is more critical matter especially in the cases of sexual exploitation because of the sexual health risks. There is a high risk for them because of the possibility to get sexual diseases such as HIV/AIDS and these kinds of diseases are life-threatening. In Turkey, Syrian nationals have the right to receive medical help without paying taxes thanks to public services, however, when they are the victim of human trafficking, they are unable to seek for medical help because of their restricted freedom.

In general, everyone is entitled to receive health services from birth because it is one of the fundamental rights. According to Article 25 of the UDHR, *“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the*

right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” In Turkey, Syrian women and girls are able to get medical services without paying any taxes, however, the case is not the same for the victims of sexual abuse simply because they are not able to seek for it. This is a sample of another violation of the fundamental human rights of Syrian women and girls because they are not able to get one of their needs, in this case, health services.

Legal protection and equality before the law need to be provided for Syrian women and girls, and according to Article 6 of the UDHR (1948), *“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”* Unfortunately, the protection conditions are not the same for Syrian women and girls in Turkey for cases of human trafficking. Once they become the victim of it, they are scared to seek help or they do not even know where to seek official help. Usually, smugglers make them believe in false promises and then make Syrian women and girls dependent on them by threatening or scaring them in case if they let others know about the situation. This is the result of a lack of migration policies regarding education and protection because they could be aware of the fact that they have rights just because they are human.

The primary human rights struggle that Syrian women and girls who are the victims of human trafficking, are facing can be summarized as follows. Firstly, their freedom is taken away and this situation avoids them to have a regular life in which they could be treated like other normal women. Secondly, they are avoided to get the needed education and in this way, they cannot learn the Turkish language. Lacking language skills is avoiding them to be integrated in the host society simply because they are not getting able to communicate and are not able to integrate into the host society, in this case, Turkey. Thirdly, they have the right to access to health services, however, they cannot access because their freedom is restricted and under the control of smugglers or perpetrators. This situation is threatening their life because especially in the cases of sexual exploitation, there are high risks of sexual diseases which can be life-threatening. These three fundamental needs can be seen also in the cases where they are not the human trafficking victims in other words, there are reported cases in which they face challenges such as language restrictions, and accessing health services.

Syrian women and young girls who are the victims of human trafficking types are living under humiliating conditions that are definitely against human dignity. As Article 1 of

the UDHR (1948) says “*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood*”. Therefore, this should be applicable to everyone without discriminating the gender, age, race, ethnicity, dis/ability, current conditions, etc. They should be receiving official protection regardless of their legal condition. They can be in Turkey without even an ID document, however, they are still human and they deserved to be treated as others and enjoy their fundamental rights and they should be living in equality and dignity.

The Republic of Turkey takes appropriate measurements in order to combat human trafficking by adopting international measurements into its national legislating. The efforts given to work in cooperation together with NGOs as one of the main pillars of the Palermo Protocol needs more interaction due to the sensitivity of the matter. These aspects will be addressed specifically in the following chapters based on its cases and it will be reasoning Turkey's approach or situation because the vulnerability condition is assessed based on both the personal and environmental impacts. Both the vulnerability condition and the victimization in human trafficking are the results of systematic lack of support, protection or personal conditions, therefore, the complexity of the matter allows us to search for answer in how the last decade evolved both for Turkey and Syrian women.

Chapter 2: The Republic of Turkey in the Syrian migration matter

In this chapter, we consider the legal side of the Syrian women and young girls migration context, the policy of Turkey toward Syrian nationals and the situation in Turkey since the beginning of the Syrian Civil War. We will be highlighting the facts of vulnerability and human trafficking in the following chapters in order to analyze each case deeply and this part of the study will be providing the grounds for the following chapter. Our legal analysis contains a structured context with the following frameworks: in the first place, a previous consideration about the legal refugee status in Turkey; in the second place, the description of some features of the previous behavior of Turkey vis-à-vis the Balkan migrant women, in order to establish a precedent to the position of Turkey nowadays vis-à-vis the Syrian refugees, in the third place, we will be analyzing the situation of Syrian migration right after the year of 2011 and how the authorities have been dealing with this issue and most importantly how it reflects on Syrian migration matter. These frameworks will be the base of our further analysis of the construction of Syrian women and young girls' vulnerability in Turkey.

The North-American philosopher Jerome Frank has stated that the law cannot be considered a formal system because of the number of facts and patterns that intervene in human relations and make the legal decision unpredictable (Poggi F., 2017). That is why the regional courts for the protection of human rights have used the context along their jurisprudence to illuminate legal decisions based on systematic analysis. As we know that jurisprudence can be divided into three branches and these are analytical, sociological, and theoretical which are the determinative assessment in terms of migrant women's human rights because each case varies, and needs particularly different attention, therefore, it needs to be analyzed from analytical, sociological and theoretical levels based on the need.

The Republic of Turkey started to receive a high number of Syrian nationals since 2011 as the Syrian Civil War began and they are both politically, economically and legally keeping the agenda hectic. Turkey was always a multicultural and multinational country thanks to its fascinating long history especially dating back to the Ottoman Empire times. However, the recent unfortunate cases occurred in the Middle East and North African countries affected Turkey by receiving high numbers of refugees and this situation created a question mark in Turkish people's mindset because many people thought "Is Turkey prepared

to have high numbers of Syrian nationals?'. The reason why Turkish people had lots of doubts relied upon the economic, political and social reasons for the migration of Syrian nationals. There were already raising inflation facts and the migration issue created a social division on the agenda within Turkish people's political negotiations if Turkey should accept high numbers of Syrian nationals or not.

The fact is that the concerns had on the reality since the complexity of the context constructed some unexpected consequences for Turkey in terms of economy, politically and military. The full involvement of Turkey into the matter and including hosting the highest Syrian migrant population comparing to other neighboring countries were just few examples of the discussions. The raise in inflation, unemployment, or getting paid less or integration problems helped to creation of such discussions. The other social reasons are related to cultural differences even though both societies are Muslim. Some part of Turkish society thought that Turkey needs to accept Syrian nationals in order to be a good Muslim country because in the ideology of muslimhood, the society always need to be welcoming and need to help those who need. On the other side, there were also stereotypes against Syrian women who migrated to steal the Turkish women's husbands and this is such a prejudice based on the nuclear family structure in Syria that allows polygamous family structure. The prejudices and stereotypes about women, in general, were gender-based which prepared grounds for the violation of their human rights. As can be seen, there were division and some confusion within the Turkish people's mindset about receiving high numbers of Syrian nationals because the issue had both humanitarian and political side.

The Republic of Turkey adapts its legislation for refugees and it guarantees that Syrian women are allowed to work and reside within the country. However, the lack of legal conditions as the follow-up problem of not having the identity documents makes the situation for them more complicated to obtain legal protection or as Turkey defines it temporary protected status. The temporary protection status remains one of the most significant and considerable obstacles to the integration of Syrian women and girls into Turkish society from many social perspectives. Moreover, the temporary protection status does not a stable solution for Syrian nationals since they need to search for permanent solutions outside of Turkey. The efforts of government associations and NGOs are very necessary in order to reduce the unfortunate stereotypes and prejudices about Syrian women and young girls.

The Syrian women and girls' vulnerability cannot be explained under one circumstance, therefore, this chapter will provide the legal analysis from their arrival, to the

state policy and international actors role about how the vulnerability is constructed for them at legal level. The way that leads their way to be identified as vulnerable is more complex because the condition of vulnerability becomes one of the consequences that result from legal, social, and psychological contexts. However, it should be also considered that vulnerability varies for each case because it is sort of a concept in which lots of aspects can be determinative. Vulnerability is mostly used to describe migrant people because it is assumed that migrant people would be more dependent on others and other factors can be determinative for them to be described as vulnerable because the definition touches upon ethnicity, nationality, gender, race, dis/ability or belonging to a social group. However, it would be wrong to identify all women migrants as they are vulnerable. It is even needed to identify which type of vulnerability condition is to be analyzed for the specific case. The variety of the cases that Syrian women and girls have, results with the variety of the vulnerability definition, which is very needed in order to be more effective for the unfortunate conditions.

The vulnerability is the result of a couple of various effects for Syrian women in Turkey, however, this result causes other effects or other follow-up problems such as human trafficking. Human trafficking is one of the crimes that is against human dignity because it involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act for purposes that involve commercial activity for economic gain. The victims can be from any age, any gender, or any class. However, the facts show that usually, people who can be described as vulnerable would become a target for the purposes of human trafficking. In the case of Turkey, Syrian women and girls belong to specific groups in terms of their conditions and face challenges that involve psychological, physical, and legal contexts.

The analysis of the legal context in this chapter will be illustrating the conditions of Syrian women and young girls' challenges from a bureaucratic perspective for the all above-mentioned aspects of vulnerability and human trafficking. The legal side of the issue touches upon the policy of the country towards Syrian nationals which is Turkey's approach in our case, Syrian women and young girls. Since Turkey is both a patriarchal and Muslim country, the legal analysis will make us understand deeply the challenges and advantages of migrant women before the law in Turkey. The legal analysis is necessary to be addressed separately also because it has a place in terms of the construction of Syrian women and young girls' vulnerability condition. The legal issues are the first step that migrant people need to overcome after their arrival in order to be registered into the host country's system and also to

get legal protection from the host country. This chapter will allow us to understand the way that leads some female Syrian migrants into human trafficking from the legal perspective if there is a lack of protection or implementation gaps on the state level.

2.1. Approximation to the refugee law

The Refugee Status in Turkey

The 1951 Convention Relating to the Status of Refugees has been accepted as the first legally binding instrument for refugee protection, which was adopted in the International Human Rights Law. The adoption of 1951 Convention was based on two legal precedents such as the UN General Assembly Resolution 319 A (IV) of December 1949, referring to refugees, and the UN General Assembly Resolution 428 (V) of 14 December 1950, which have been establishing the statute of the Office of the United Nations High Commissioner for Refugees (Poggi F., 2017).

The Convention Relating to the Status of Refugees of 1951 (CRSR) relies on the assumption that “*human beings shall enjoy fundamental rights and freedoms without discrimination*” therewith, it was provided a definition in the article 1.A.2., a refugee is everybody who has a “*well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it*” (*Ibid, article 1.A.2.*). Yet, other legally binding instruments have broadened the compass of the concept of refugee, enlarging the protection to those who are the victims of natural disasters, all the violence types, and armed conflicts, not coercibly considering a direct persecution which has established in the definition of the article 1.A.2. of the CRSR (F. Mariño Menendez, 2015).

Regarding the expansion of the refugee definition, a discussion has been set on whether or not to include gender-based persecution in the definition of article 1.A.2 of the CRSR (Poggi F., 2017). There are contexts that surrounded by discrimination against women with the practices of female genital mutilation, trafficking for sexual exploitation, domestic

violence and forced labor. Especially, in the case of human trafficking, women are in danger of forced labor and sexual exploitation and it is a form of gender-based violence (GBV), it is considered as torture or inhuman degrading treatment by the UNHCR. Consequently, the request for refugee status which is based on gender is valid in the case when the home country is unable and/or unwilling to provide protection for victims who need security (UNHCR, Guidelines on International Protection, 1951).

Turkey is a party to the 1951 Refugee Convention on the status of Refugees and its 1967 Protocol and expressly maintained its declaration of geographical limitation upon acceding to the 1967 Protocol (UNHCR, n.d.). It maintains the geographical limitation only to the people who are originating from Council of Europe member countries. Although there is this limitation, Turkey provides limited protection such as conditional refugee status, humanitarian residence permit, or temporary protection for non-European refugees, pending UNHCR's search for durable solutions elsewhere. Under these statutes, they have the ability to stay in Turkey without refoulement risk, however, they must ultimately find a long-term solution outside Turkey (UNHCR, 2008-2009). Turkey's refugee strategy is based on the Law on Foreigners and International Protection (LFIP) (Law no: 6458) and the Temporary Protection Regulation (TPR)¹ (Üstübcü and Karadağ, 2020). Pursuant to LFIP, refugees can get the access to public services which involve health, education, and social assistance (Article 28(1)). According to the comprehensive and inclusive law, people who need protection in terms of migration are granted temporary protection status under the law (Article 2 (1)).

Regarding the Syrian population, Syrian nationals in Turkey are in temporary protection status under the Temporary Protection Regulation dated 13/10/2014 and numbered 2014/6883 (Temporary Protection Regulation, 2014). Turkey, within the scope of the principle of non-refoulement, provides temporary protection for Syrian nationals within the framework of the Temporary Protection Regulation issued based on Article 91 of the Foreigners and International Protection Law (Foreigners and International Protection Law, 2013) dated 04/04/2013 and numbered 6458. status (Turkey Ministry of Interior Migration Management Office n.d.). While Syrians are under temporary protection, they do not have the right to apply for international protection individually (Gecici Konuma Yonnetmeliği, 2014).

¹ The TPR is based on the clause on temporary protection, defined in the Art. 91 of LFIP as a measure that can be used in cases of mass migration and urgent or temporary needs for protection.

Although, international organizations have preferred to use the term “refugee” for Syrian nationals who sought international protection in Turkey, however, what is expressed in the press and official statements are on the other way around. Ekşi summarized this situation as “*Syrians who came to Turkey for the purpose of asylum in mass, are not 'refugees' or 'conditional refugees'*” and suggested that “*the term 'temporarily protected Syrians' should be used for Syrians*” (Ekşi N., 2015). In public and political rhetorics including the head of the country, the terms “guests” or “Syrians under temporary protection” are used for Syrian nationals in Turkey instead of the “refugee” or “alien” term. These arguments created another agenda in the political negotiations within Turkish society whether to clarify if Syrian nationals are permanently in Turkey or not because the argument sounded temporary from the host community perspective, but also legally. The law of temporary protection status is very clear on this and Syrian nationals have the right to stay in Turkey as long as they have well-founded fears, however, they need to find permanent solutions outside of Turkey as it is regulated.

Alien is a significant concept in Turkish law system; in the Turkish law, particularly among alien categories, the definitions of a refugee, asylum seeker, and immigrant are not the same as the international law (Ergul E., 2012). In Western languages, the term "alien" is expressed in Latin as extranius, in French, étranger or ere, other meaning in English refers to “foreigner” (DPDE, 2002; 150 vd.). While "alien" is defined in Turkish foreign law books, it is said that, “*According to the definition adopted by the Turkish Institute of State Law during the Geneva meeting in 1892, an alien is a person who is in another country and does not have the right to claim the citizenship of that state and it is obvious that being alien is a situation indicates that the person is not a citizen of the state s/he is in*” (Celikel A, et al. 2009). In Turkish doctrine, this definition is literally adopted in legal terms, however, it is not used for Syrian nationals.

The legal condition was argumentative because their duration of stay was getting longer and the foreign countries identified Syrian nationals as refugees, Turkish officials called them guests who are under temporary protection, therefore, the alien term needed to be expressed in order to clarify how the Turkish law system was constructed. The confusion of identification brought these discussions along with because they are fitting in the definition of refugee however they cannot be identified by the Turkish Law system, that is the reason for the differentiation in the rhetoric occurred about how to identify Syrian nationals who live in Turkey. However, Turkey is clear enough to express also by law that Syrian nationals are

guests and they are under temporary protection in which to enjoy their fundamental rights in Turkey.

Due to the lack of peace and security in the Syrian Arab Republic, the duration of stay of Syrians under temporary protection in Turkey country has been prolonged, which necessitated the provision of social cohesion (Ministry of Interior, Directorate of Migration Management of Turkey, n.d.). While Syrian nationals' duration of stay was getting longer, the temporary protection rights were argued again in order to understand how long they are allowed to stay and what if they get Turkish citizenship. The reason for the argumentative atmosphere was the Turkish citizens who did not agree to receive a high number of Syrian nationals because of economical reasons. However, Syrian nationals have the right to stay in Turkey as long as the Civil War continues in their borders because the war has inhumane impacts on people and they have the right to not go back to their borders because of the well-founded fears.

The longer duration of stay brought up the citizenship conditions of Syrian nationals who live in Turkey. Foreigners living in Turkey with a residence permit, including Syrians, are granted citizenship at the end of 5 years, provided that they meet certain conditions. Apart from this, citizenship can be granted in exceptional cases by the decision of the President (Şimşek B., 2022). In order for a baby born on Turkish soil to be considered a citizen, at least one of the baby's parents must be a Turkish citizen. Due to this obstacle in the Citizenship Law, refugee babies born in Turkey are considered "stateless". However, the same conditions are applied also for newborns, if they stay in Turkey with a residence permit for 5 years or if one of the parents is Turkish, they have the right to grant a Turkish citizen (Avcı C., 2022). The citizenship status can get in various ways like also with legal marriage in Turkey and it applies equally for everyone unless the person is not dangerous for the society and does not have any recorded crime.

Although refugee status has not been granted to Syrian nationals, the principle of non-refoulement is considered as a rule of customary law that has to be protected by the Republic of Turkey. The Turkish Government identified Syrian nationals as their "guests" who have to go back to his/her country as soon as the Syrian Civil War ends, however, in the meantime rhetorics are tried to be good host as a Muslim country should be according to their perspective. However, the Turkish Government accepted Syrian nationals regardless of their social status, age or gender and Turkey followed an open-door policy with the financial support of the European Union. It is important to note that the aforementioned temporary

protection status cannot be used as an excuse by any state for violating the obligations that are included in the rest of the treaties on human rights, which protect everyone regardless of their legal status in the country. The challenges of Syrian nationals in terms of legal context will be expressed in the following part in order to understand the construction of their vulnerability from a legal perspective. This section has summarised the legal definition of Syrian nationals both at international and national level of the Republic of Turkey.

2.2. The policy of Turkey towards Syrian nationals

After the Civil War emerged in 2011 in the Syrian Arab Republic, Turkey has invited Syrian nationals to its borders with its historical cultural unity, awareness of good neighborly ties, and humanitarian reasons, and applied an open border policy for them since the beginning of it. The complexity of the issue and its affectation on Turkey, have risen the importance of the policy-making process in order to manage the impacts of the matter. Turkey has become an international actor in the Syrian Arab Republic by being active politically and also with its military forces. This part of the study will address the main motivations of Turkey in terms of welcoming Syrian nationals with the financial encouragement of the European Union, the reasons for organizing military interventions, the policy-making process with the impacts of the matter on Turkey. Overall, this part will be addressing the full involvement of Turkey with its political approach in the Syrian Civil War as a neighboring country.

At the beginning of the Syrian Civil War, Turkey approached the issue with a humanitarian approach by welcoming Syrian nationals and applied an open-door policy, its approach toward Syrians was always based on the assumption that sooner or later the Assad regime and the Syrian Civil War would end. Based on this assumption it was always said that Syrian nationals would return to their countries and that is the reason the Turkish government mostly called them “guests” (Ihlamur Öner S., 2014). In the beginning years of migration flow from Syria to Turkey, Erdoğan was emphasizing the “religious brother” rhetoric for Syrians, however, the opposition parties to the government showed Syrians as a threat to the peace and economy because they seemed to stay permanently (Köylü, H. 2021). This brought different rhetorical problems altogether in the press such as their integration, taking the Turkish nationality, language, education, housing problems, etc. and this has been on the

agenda since the summer of 2012 when the camps started to exceed their capacity and Syrians started to live together with the Turkish population (Bostan H., 2018).

The Republic of Turkey followed an open door policy also thanks to the economic support of the European Union. At the Turkey-EU Summit held on 29 November 2015, the European Commission committed to creating a fund of 3 billion euros for Syrian refugees in Turkey, and then at the second summit held on 18 March 2016, it announced that it would provide an additional 3 billion euros in case this fund runs out. In this agreement, the EU also promised visa exemptions for Turkish citizens, EU membership and the expansion of the Customs Union (Özdemir A., 2021). Since the duration of stay was getting longer, Ursula von der Leyen, President of the European Commission, announced that the EU will allocate 3 billion Euros until 2024 to support Syrians in Turkey (Cumhuriyet, 2021). The purpose of the EU is assumed in Turkey is to keep Syrian nationals in Turkey and not let them go further to the European borders so that there will not be uncontrol migration for them.

While Turkey was receiving a high number of Syrian nationals and providing temporary protection for them, Turkey launched four military operations in the northern part of the Syrian Arab Republic between August 2016 and the present. Therefore, Turkey opened its doors to Syrian nationals and on the other hand, and Turkey supported solving the complexity of the Civil War within the Syrian Arab Republic through its military forces and also with political negotiations. Turkey's four military operations have served different objectives for each and it was planned to respond to rapidly changing scenarios in the field. The biggest goal of Turkey is to create a buffer zone between the borders of Syria and Turkey in order to control the safety of the borders and start keeping Syrian nationals in that area by building camps. The Turkish government's activism in Syria has been driven by domestic politics and pursuant to some has helped Turkish President Recep Tayyip Erdoğan and Development Party (AKP) preserve power over the years (Siccardi F., 2021). Whereas according to the opposition, Turkey did not have the proper action plan in order to keep the situation under control. The political discussions were held based on the Syria matter about did Turkey really needed to be involved fully.

In the beginning, the migration flow was increasing Erdogan's power, however lately, this policy turned into an unstable one and Erdogan started to lose his political power in this manner because of rapid change in the Turkish economy, eventually, his party's rhetoric has started to change to more controlled border policy as the major willingness of the Turkish society and opposition parties. While this rhetorical change started to being constructed,

President Erdogan started to emphasize the EU's call for more support to Turkey at every opportunity. During these years, since political, economical and integrational problems were on the agenda, the Turkish Government tried to limit the migration flow and set its control over its borders by ending the visa-free policy for Syrian nationals who were arriving by sea or air, and building a security barrier along its border with Syria (Aldroubi M., 2018). However, Turkey had already been identified as hosting the highest number of refugees in the world and needed to apply proper action plans for the situation within Turkey besides the limitations whereas Turkey lately announced the possibility of the 5th military intervention.

The additional economic support of the European Union was planned for Turkey simply because a certain amount of money would not solve the matter permanently. Turkey started to give monthly wages to the Syrians, however, providing education or creating workplaces for Syrian nationals would be more helpful in terms of permanent solutions. The policy of Turkey towards the Syrian Arab Republic become an argumentative one also because of the rapid change of the currency in Turkey. Turkish society was accusing Turkey's open-door policy for the currency fall because the international image of Turkey was becoming a destination country for immigration. President Erdogan always used the religious saying for Syrians in his political speech such as "Muslim society needs to be good hosts and need to help those who need" while reminding the fact that they will leave soon as the war ends. In fact, the policy of Turkey for migration is stabilized, however, the political rhetorics are not stable because of the creation of a good image for the host society, therefore, Turkey is highly applying populism in this manner.

The opposing parties always used the way of blaming Erdogan's party for being fully involved in the Syrian Arab Republic and opening the borders without questioning. The decision later taken by Erdogan to limitation of the Syrian arrival made the opposition party right on the manner and shook Erdogan's power in the political aspect. However, the situation has a humanitarian side which is civilians and children were killed and that is the reason why Erdogan's party used the narratives of religious rhetorics because he knew that Muslim Turkish people would believe that Turkey needed to be with those who were in inhumane conditions. Turkey is not the only country that received all the Syrian nationals who migrated because they spread around other neighboring countries as well, however, the fact that Turkey has been identified as hosting the highest number of refugees in the world, ignited political discussions about whether Turkey should have followed open door policy or not.

In the last period of time, the other migration flows such as Afghans and Ukrainians affected the political rhetorics of authorities in Turkey again and the President Recep Tayyip Erdoğan has stated that “*this country will continue to be a shelter for oppressed people*” while the opposition parties seek the contrary approach (TV100, 2022). The rhetorics are unstable in Turkey because the narratives keep changing. The instability is not only because of Turkish officials' mindset but also because the geographic position of Turkey makes it on the agenda in such cases. The Syrian Civil War has its own humanitarian side and political side which make the situation more challenging for policy-makers. On the one hand, Turkey accepts Syrian nationals because they seek international protection and on the other hand, the war has impacted its border security which also makes its bilateral relations with other world actors more aggressive. Consequently, the rhetorical instability and economical changes in Turkey jeopardized the rights of the Syrian nationals who are fleeing to Turkey for humanitarian reasons and for those who are already in the territory, imposing the impossibility to obtain a regular life.

2.3. The situation in Turkey after the Syrian migration crisis of 2011

The Republic of Turkey has experienced massive migration because of its unique geographical position which is bridging two continents from West to East, which is in the middle of wars geographically. Receiving high numbers of migrants has shifted Turkey's migration identity over the last decade from being an emigration country or a transit country to becoming a destination for people who seek international protection (Kilberg R., 2014). Turkey, one of the Syrian Arab Republic's neighbors, is the country hosting 3 million 652 thousand 134 Syrian nationals who are registered as under the temporary protection as of October, 2022 and pursuant to the same source the sum of children and women aged 0-18 is 2 million 642 thousand 661 (Mülteciler Derneği, 2022a). Pursuant to some Turkish NGOs reports, they are more than 5 million because there are lots of unregistered Syrian nationals who live in Turkey. This corresponds to 65.5 percent of the Syrian nationals in the countries of the region (Hamsici M, 2019).

Syrian migration flow to Turkey and then to Europe called as the biggest migration flow since the Second World War (Öztürk M, 2016) and 94 percent of the Syrians in Turkey reside outside the camps (Şimşek D, 2018). Almost 50 percent of all Syrian nationals in

Turkey are registered in four key provinces: Gaziantep, Hatay, Istanbul and Sanliurfa and this fact make the South of Turkey a region for immigrants (UNCHR, 2018). The South part of Turkey, followed by Istanbul, has become one of the regions where there is the highest number of Syrian nationals registered simply because the Syrian and Turkish border cross there.

Syrian nationals are under temporary protection in Turkey for over the last decade and their duration of stay is longer than planned because the Syrian Civil War turned out to be an international matter and is still on the agenda. During this period, Turkey has identified Syrian nationals as their guests and it has been always reminded that they will be back in their home country soon as the aggression ends in their borders. Since their duration of stay is longer than planned, Syrian nationals started to get Turkish citizenship because they are providing the legal conditions to get the citizenship thanks to legally living in Turkey for 5 years. The long duration of the stay brought up some controversy in Turkey because there have been reported deep changes in the Turkish economy and politics over the last decade.

The biggest reason for Turkey's inclusion in the Syrian Civil War is its geographical position of Turkey and it has a long history of involving political aggressions or wars because of geographical reasons in which had to be involved politically or militarily in order not to be harmed by aggressions. In other words, the military intervention was based on border security. Geographically, Turkey is in the middle of wars and therefore, this makes Turkey one of the easiest or fastest countries to flee from well-founded fears. Since the beginning of the last decade, the Republic of Turkey has been playing an active role both politically and militarily, however, in the meantime, the economic functions emerged as the impact of its role in the region.

The high political tension started in Turkey because of a Turkish coup d'état attempt on July 15, 2016, and it became the key point of what happened during the coup attempt which killed 251 citizens across the country, organized by the members of the Fetullah Terrorist Organization (FETO) (Mutlu S., 2022). This organization was in cooperation with Erdogan Presidency for a long time, however, their intent was discovered in their coup d'état attempt. This era led to be the country so much in a dense political atmosphere because the members of this organization were working in Turkish state agencies which made those times harder in order to criminalize them for participation in such an attempt. While the political atmosphere was occupied with the coup d'état attempt, the Republic of Turkey also had to deal with the problems that emerged in the Southern part which needed to be organized for

military intervention. Therefore, one month after the coup d'état attempt of the FETO, Turkey launched the first military operation in the Syrian Arab Republic.

The Republic of Turkey has launched four military operations in different regions of the Syrian Arab Republic and these are named as follows Euphrates Shield in 2016, Olive Branch in 2018, Peace Spring in 2019, and Spring Shield in 2020. Turkey had a defensive strategy toward the region, however, when the risks emerge, Turkey has gone from a defensive to an offensive military strategy. The first three military operations (in 2016, 2018 and 2019) aimed to prevent the formation of politically autonomous regions just beyond the Turkish borders which are directed by the Kurdish-dominated YPG² militants. Only the fourth and last operation did not target the PKK affiliates because Turkey's desire was to maintain the area under control pushing terrorist elements back to a safe distance and creating a buffer zone at the Turkish-Syrian border (ACRPS, 2019).

Turkey's conflict with the Kurdistan Workers' Party (PKK) – recognized as a terrorist organization by Turkey, the U.S. and the EU – was continuing in south-eastern Turkey and northern Iraq (CPA, 2022). In the Northern part of Syria, PKK's Syrian affiliates started to be active thanks to the complexity of the region and the tension there was threatening Turkish border security, therefore, there was a need for Turkey in order to intervene in the region. In overall, since many international actors play an active role in the region, Turkey cannot bring a short-term political solution, but instead considers this as an opportune moment to crush the entire Kurdish political and military movement (Çevik S., 2022).

Turkish President Recep Tayyip Erdogan has recently said that his country's plan for a new military offensive in neighboring Syria against the Kurdish People's Protection Units (YPG) will remain on the agenda until its security concerns are addressed (Aljazeera, 2022). Erdogan confirmed the possible operation with the words, "The areas that are the center of attacks on our country and our safe zones are at the top of our operational priority. These operations will begin as soon as our Turkish Armed Forces, intelligence and security forces complete their preparations" (Taştekin F., 2022). This means that the tension is still tight in the region and shows that Turkey is considering the 5th military intervention in order to create a buffer zone 30 kilometers (18.6 miles) wide to which over 1 million Syrian refugees can be returned (Tsurkov E., 2022).

² The YPG/PYD is the result of a longstanding relationship between the PKK.

While Turkey has launched multiple military operations in order to gain political ground at home, it has prepared the groundwork for a more aggressive and nationalist foreign policy with the international actors in the region such as the US, Russia and the EU in its bilateral relations (Siccardi F., 2021). These are the increasing impact on political negotiations within Turkey because of Turkey's lost over wartime in terms of soldier loss, political negotiations, financial crisis, refugee crisis and etc. Over the last decade, the Turkish currency lost value in exchange for EUR, US Dollars and other currencies. Turkey is a country of import and that is why the currency changes highly impacted the Turkish economy in a negative way. Since the economic difficulties started to emerge at the same time as the Syrian nationals' arrival, the Turkish people accused the high migration as it has a direct link with the financial problems. It was assumed that Turkey has spent high amount of money for the good living of immigrants whereas the European Union was supporting Turkey financially.

In the course of 11 years, the fluctuations in the Turkish economy, eventually affected the lives of Syrian nationals because the Turkish lira (TRY) plunged in value, high inflation, high number of job losses, rising borrowing costs, and correspondingly rising loan defaults. To be more precise, over the last 4 years, the Turkish currency and debt crisis have become an ongoing financial and economic problem in Turkey. Turkey's economic downturn has been recorded in the official inflation rate hit 80.2 percent by mid-2022 whereas the independent inflation group ENAG put the figure at 181.37 percent (Duvar English, 2022). Following up to the economic crisis in Turkey, Syrian nationals started to be seen more on the streets begging for money just to get their fundamental needs such as food and shelter. Additionally, it is a fact that these economic conditions are mostly affecting Syrian women and girls since they already have additional limitations to find a job because of the patriarchal structure that is rarely giving chance to women and/or not having equivalency for their qualifications.

Syrian nationals in Turkey have been the protagonist of the political atmosphere since the beginning of the Syrian Civil War. It has been observed that the number of Syrian families is large, and this situation is likely to be affected by the fact that they give birth within the borders of Turkey, therefore, this will be the case for future generations as well (Makovsky A., 2019). The opposing parties used these facts against the Presidency of Erdogan by saying that Syrians are both threats for the economy and Turkish societal peace. They have claimed that the international picture of Turkey has been affected negatively because of its chaotic atmosphere dealing with immigration, economy or military operations.

In the 2019 local elections, the loss of Istanbul mayoralty, other big cities such the capital Ankara, and Izmir by the governing Justice and Development (AK) party, can be perceived as a prove for a major setback for the 'imperial presidency' of Recep Tayyip Erdoğan. After all of these, Turkish politicians' rhetoric, especially opposition parties, hope for the frequent insistence that Syrian nationals will return to their country of origin, on the other hand, it is foreseen that Syrian nationals seem to be a likelihood that most of them will remain permanently (Makovsky A., 2019). There are several reasons behind it and the most obvious one is the Civil War still continues in the Syrian Arab Republic. Another reason or motivation is that the living condition in Turkey slightly better for them because they can live without fear of death. Even though they make busy some political arguments for their return, it is obvious that huge numbers of Syrian nationals became permanent over time and it will be on the political agenda for the following years as well.

Many politicians have said that Syrian migration has been used as political leverage in order to keep the presidency of Erdogan. The migration had inferences both humanitarian and political aspects. Syrian people needed neighboring countries in order to seek for humanitarian help and Turkey was one of them, therefore, it would be unmerciful for Turkey, if they would not accept Syrian nationals into its borders. On the other hand, Turkey had to intervene in the area in order to protect its border because of the terrorism risk. These both aspects have been used in political rhetorics in order to preserve power, however, it cannot be the only reason of Turkey to apply open door policy towards Syrian nationals.

It is also very argumentative if the immigration policy went in the way that Turkish authorities wanted because Syrian people's duration of stay has got much longer than Turkey planned and over the last decade, the downturn in the Turkish economy made Turkey also dependent on Europe Union in terms of the economy because there would not be enough budget in order to keep balance in support for Syrians. Moreover, the upcoming elections campaign for the 2023 Presidential elections, opposition parties have insistent statements that "We will send Syrians to their country when we come to power". These statements are both criticized and supported. In response to the criticism, the opposition pledges that the Syrians will be sent back to their countries safely and in accordance with international law. He says that the formula for this is to establish good relations with Damascus. After the opposition's rhetoric towards immigrants was accepted by some segments of his society, President Erdoğan announced that they are preparing a new project that will enable 1 million Syrians to

be sent to their countries voluntarily, and then there were signs of a new era in relations with Syria (Gul D., 2022).

After the Taliban took control over Afghanistan and the recent events that occurred with Russia because of its intent to intervene in Ukraine, made Turkey faced with another migration flow from both Russia, Ukraine and Afghanistan. These are geographically from different directions, however, it can prove once again the situation of Turkey in the migration matter. Lately, President Recep Tayyip Erdoğan has stated that *“this country will continue to be a shelter for oppressed people”* while the opposition parties seek the contrary approach (TV100, 2022). The instability in the political rhetorics had an impact on the economy, however, the stereotypes about Syrian nationals continued to increase over the time because the political and economic situation was not going as planned and still Syrian nationals were the huge majority as migrants. Therefore, Turks started to blame Syrians for rising unemployment and economic crises in Turkey where they could barely survive on the wages they earned (SCF, 2022). Moreover, there has been recorded an increase in hate crimes against Syrian nationals in Turkey, however, there are no official figures which show the violent attacks on them (Arab News, 2016).

The government claims that the crime rate of this Syrian population is low, according to the information from the police, there is great care in keeping the crime rates of the Syrians secret. In line with the information obtained from open sources, when the news about crimes involving Syrians under temporary protection between 2012 and 2020 was compiled, an evaluation was made on 818 events. The biggest share in these incidents was the Syrians who were caught as a result of the operations carried out against persons affiliated with terrorist organizations. The narcotic crime which is the financing of terrorism has been recorded at a high rate followed by smuggling and human trafficking (Yüzyıl Türkiye Enstitüsü, 2021). Interior Minister Soylu said, *“The crime rate of our own citizens in Turkey is 2.2%, that of Syrians is 1.3%, almost half.”* (Venedik Y., 2022). However, these statements are in the direction of affirmation because eventually, the number of Syrians is not equal to the Turkish population therefore comparing the crime rate would not prove the reality in this manner.

Even though in the beginning Syrian nationals were welcomed in Turkey, are now experiencing the fear of hate crimes against them. Many believe that Turkey welcomed them with open arms for the purposes of political leverage. Even though in the beginning Syrian nationals were welcomed in Turkey, are now experiencing the fear of hate crimes against them and many believe that Turkey welcomed them with open arms for the purposes of

political leverage (Arab News, 2022). A poll conducted in 2022 regarding the Syrian nationals' stay duration, resulted in the majority of Turks (two-thirds) wanting them to be deported back to the Syrian Arab Republic. A threefold rise has been recorded in the share of Turks who rate deportation as their top priority (Tsurkov E., 2022).

The European Union is supporting the Republic of Turkey on migration manner, however, the construction of vulnerability of Syrian nationals is to be realized because of the host country's social, economic and political instability. A certain amount of economical support unfortunately cannot make a society more integrated and solve every single problem of migrant people permanently. Especially, if there are problems or challenges which are related to structural manners so there should be more rooted solutions such as effective action plans in order to achieve the goal of a more integrated society.

While the rhetorical and economical instability were on the agenda, the need for integration policy started to emerge, and the President's call for support from the European Union resulted in the Readmission Agreement (16 December 2013) and the Turkey-EU Refugee Statement (18 March 2016) which were signed between Turkey and the European Union to support Turkey on migration manner (Kaya A, 2019). All of the fund (6 billion euros), planned as 3+3 billion euros, has been tied to projects not directly to the government, and 4.3 billion euros have been paid to Turkey (Mülteciler Derneği, 2021). This aid is focused on meeting the basic needs of migrants such as health, education and protection and this aid specifically goes to alone women who aged between 18-59, single mothers and fathers with at least one child under the age of 18, and disabled people (Mülteciler Derneği, 2022b).

Although the European Union has promised Turkey in the 2015 summit for Turkish citizens to get visa exemptions, the recent developments are not the same as promised according to Schengen Visa Information data, while 9.7 percent of Schengen visa applications in Turkey were rejected in 2019 and 12.7% in 2020, this rate increased to 16.9 percent in 2021. This shows that rejection rates have almost doubled in the three-year period (Schengenvisa.info, 2021). The promises of EU membership and the expansion of the Customs Union were not even highlighted in the agenda again because there are still some obstacles in order to overcome both for the Republic of Turkey and the European Union. The rejection of visa applications of Turkish citizens rely on the fact that they would stay in the Schengen area permanently and in the first place, the idea of the European Union supporting Turkey financially relies on the fact that Turkey would keep Syrian nationals in order not to let them move forward to Schengen borders.

These aspects increased the concerns of Turkish citizens and opposition parties' arguments regarding the continued increase in the number of Syrian citizens. The fact that Turkish young people want to emigrate from Turkey because of the fear of the future has shown that people are unsure about the current policy of Turkey towards immigration. The biggest motivation of young people to move abroad is to search for better living conditions in general. However, Turkish people are facing visa declines from the Schengen area with the highest decline rates in its history. Mostly the refusal excuse is the risk of not returning to their country of origin just like Syrian nationals do in Turkey. The depreciation of the Turkish Lira affected young people because of the inflation in Turkey in the ways of visiting or studying abroad, difficulty to get simple needs, and raise in housing prices, bills or supermarkets, therefore decreasing the life quality of host society in Turkey.

There are already structural problems in terms of economy, military and political in the Republic of Turkey, therefore, the migration flow has made the atmosphere even more challenging for Syrian nationals, Turkish politicians, and citizens. The above-listed events that occurred in Turkey are aiming to illustrate the impacts of the host country's structural problems on the migration population, in which this case focuses on Syrian women and young girls who are facing additional challenges. The increasing anti-migrant sentiment makes the issue even more complex because the integration can be done unless the host society accepts them and the acceptance of Syrian nationals should build upon strong public policies in order to create a peaceful environment for the community.

Chapter 3: The vulnerability of Syrian women in Turkey

In this chapter, we focus on analyzing the vulnerability concept from a perspective in which we focus on the types by underlining and sharpening their importance. While underlining the real content, the vulnerability concept would be considered as an obligation that the Turkish Republic responsible to adopt necessary public policies which aim to guarantee the enjoyment of Syrian women and girls' human rights, which also adapted to their particular conditions. This chapter will allow us to understand the types of vulnerability deeply, while proving the facts of each case should be analyzed based on the situation. We will be using the aforementioned concepts in the following ways; analyzing personal vulnerability from a gender perspective, the typical vulnerability from a discrimination and inequality perspective, and finally, we will be analyzing the atypical vulnerability with a close consideration socioeconomic conditions of Syrian women and girls. In addition to these analyses, we will add one more element which is intersectionality, in order to take into account the struggles of Syrian women and girls in multiple factors, such as exogenous and endogenous, that puts them in a vulnerable condition.

The concept of *vulnerability* has been repeatedly used to express the characteristics of a specific group that make them very likely to suffer from similar conditions in which they cannot enjoy their fundamental rights while others would not suffer due to various aspects. Even though there are some specific groups, in our case Syrian women and girls, who are more likely to suffer the effects of gender and other inequalities within the Turkish society such as physical restrictions or biological, social, economic, or environmental factors of the population. Generally, it is assuming the fact that both the Republic of Turkey and the Syrian Arab Republic are culturally Muslim countries and they should both have similar cultures, however, when it comes to real or daily life the story tells the other way around.

Neal has addressed the vulnerability as “*Vulnerability speaks to our universal capacity for suffering, in two ways. First, I am vulnerable because I depend upon the cooperation of others (including, importantly, the State) . . . Second, I am vulnerable because I am penetrable; I am permanently open and exposed to hurts and harms of various kinds*” (Neal M., 2012). This definition by Neal contains that the vulnerability can be subtracted to any specific group under any conditions, even though the definition seems to be more likely the vulnerability relates to natural disasters. Therefore, we address once again that how the

World Health Organisation defines (See Chapter 1: 1.3. Literature Review) the vulnerability context as people who are affected by natural disasters, is not enough to address the all features of vulnerability.

The authors Uribe and Gonzalez have addressed and developed a notion, and pursuant to them the vulnerability is laying on both endogenous (personal) and exogenous (social) impacts because it identifies people deeply who are more likely to suffer damages when the risk is represented. (E. Uribe Arzate, M. González Chávez, pp 209, 2007). Since vulnerability comes with a double standard, this notion is more comprehensive to analyze the vulnerability of Syrian women and girls' conditions in Turkey. The need of clarifying the endogenous and exogenous features appears because it might bring some features to daylight in order to understand the causes of the vulnerability condition which becomes a challenge for Syrian women in Turkey.

According to the Uribe and Gozales, the endogenous features rely on personal vulnerability, in other words, it is related to the biological elements related to the physical capacity, for instance, women (under specific conditions), people with disabilities, children and elders. Pursuant to the scholars, the exogenous features can be explained in two groups, however, if we need to clarify in general, it is related to the socioeconomic situation and the condition of a person before the law such as migrant or refugee, status also the civilians under war and LGBTI groups can be identified as the exogenous. The first group of exogenous is the typical vulnerability which relies on the economic and social conditions of the human being and the second group is the atypical vulnerability which relies on the legal context (E. Uribe Arzate, M. González Chávez, pp 210-211, 2007; Poggi F., 2017).

The vulnerability of Syrian women and girls in Turkey is constructed from both exogenous and endogenous aspects because their migration situation is not the only reason in which they are identified as vulnerable but also the social dimensions that developed their personal fragility. Syrian women are fragile like Turkish women because of the patriarchal society structure in both countries, however, the additional challenges constructed more complex challenges for Syrian women and girls in order to overcome. The main results showed up as they were marginalized in a new society because of stereotypes, poverty, and social status and they had to face violence which is linked to their gender and this led the way to the exploitation of Syrian women and girls because they seem more likely weaker in their current condition.

Zeynep Basarankut Kan and Jennifer Miquel agree that until there is a political solution, stability and peace in the Syrian Arab Republic, humanitarian aid must continue for them in order to overcome the situation with the best opportunity because a rise in gender-based and sexual violence have been recorded during the pandemic. This rise in gender-based and sexual violence affects particularly Syrian women and girls, and the COVID-19 pandemic only added more trauma to their existing trauma, and therefore their vulnerability doubled. For instance, many women were subjected to domestic violence with the impact of lockdowns or many women could not make it to the hospital for giving birth and instead went to dangerous underground places (Kulesa K., 2022). The pandemic has also avoided the integration of newcomers because the lockdowns did not let them interact with the host society. Therefore, the pandemic avoided overcoming personal and social challenges because of the restrictions.

The vulnerability has been constructed also for young girls in various ways such as difficulty in accessing education, health services, quality food, potable water, etc. In humanitarian emergencies, children are at risk of malnutrition and housing because of a lack of income it reflects in inadequate physical development (Sahin E., et al. 2021). Children or orphans who did not have adequate conditions while they were growing up and moreover, girls have experienced forced or polygamous marriages at an early age. Children who had challenges in the migration principle have the effect of double vulnerability because they had to grow up in an environment where they were not equal to agemates. In Turkey half of the Syrian girls are not in education and they are forced to get married at an early age and give birth to lots of kids. Mostly they are subject to domestic violence by their older partner In overall, the inadequate conditions are not allowing them to be integrated into a new society, therefore, Syrian children and orphans' vulnerability condition is getting higher in these cases.

The condition of vulnerability might be more challenging for young girls compared to adult women because the trauma that they have experienced generally grows with them and in this way they cannot provide themselves the life that they deserved to live besides just surviving. At their mature ages, it is becoming harder to empower them compared to children who grew up in a family environment because throughout all the years that they needed to get an education, they have had to face gender-based violence, neglect and discrimination. The lack of education in the cases of young girls' vulnerability is a determinative aspect because it is one of the basic and needed elements in which they can learn how to protect themselves and how to seek help, most importantly it is empowering them. Syrian girls need to be empowered

at an early age in order to construct a better future both for their future and for the host society because attention and education can make them more integrated into their country of refuge so that they would not be marginalized and discriminated against.

Besides the challenges of Syrian women and girls that are directly linked to gender and lack of fundamental needs, also the public services for Syrian nationals in Turkey are largely gender-blind, leaving many problems that remain unsolved. *“I can’t recall a single Syrian refugee woman I have met who didn’t report violence. Marital rape is also very common, but many Syrian women don’t even define these experiences as abuse. They don’t even know that marital rape is a crime that will be punished”*, says Turkish lawyer Gokce Yazar who is a member of the Sanliurfa Bar Association Refugee Rights Commission (Karakas B., 2018). Since they are relatively more fragile compared to host society or face more challenges because of the migration status, they should have more knowledge about how to protect themselves or seek for official help. However, the lacking of fundamental needs prevents them to get the needed education as well and because of their constructed disempowerment, they do not even know where to find solutions for their fragility.

COVID-19 and the economic crisis in Turkey had an important impact on Syrian women and girls to overcome the challenges because the poverty prepared tangible grounds for the construction of vulnerability (UN Women, 2018). They were already facing economic problems because they cannot easily find permanent and well paid jobs, moreover, economic fluctuations in Turkey have further shaken the life quality of Syrian nationals. Besides the impacts of the pandemic, the financial crisis in Turkey added a backlash to the migration policy of Turkey simply because the tension within the society become more challenging to overcome even though the European Union financially supported Turkey. The Turkish Lira started lose value in currency change and unemployment emerged as one of the most challenging times for Turkey.

Violence, marginalization, and discrimination continue to be part of the lives of many migrant women in Turkey because of gender inequalities and gender-based violence, making them suffer from vulnerability (Maat for Peace, 2019). Generally, human beings who seek for international protection with the reason of well-founded fears, suffer from similar vulnerabilities. However, the variety of vulnerability conditions shows up at different ages and conditions. Poverty constructs vulnerability because of the fact that they cannot receive their fundamental needs and/or they cannot provide themselves with the needs in the country

of refuge. Syrian women and girls affected by the Civil War are at possibly more risk of being harmed and victimized, ending up in vulnerable situations.

3.1 Personal vulnerability

Helen and Martin Innes explains the *personal vulnerability* that result with the antisocial behaviours by stating that “*personal vulnerability - results from an individual or group's characteristics, identity or status. In effect, there are certain individual characteristics that shape susceptibility to being negatively affected by a victimisation experience. For example, mental or physical health status*” (Innes Helen and Martin, 2013). The citation to the “status” tells us the fact of the temporary protection or migration status can be the status that puts people into some personal challenges, that results in the *personal vulnerability*. In our case, we will be considering the personal vulnerability of the Syrian women and girls who suffer from the aforementioned challenges that make them suffer from exploitation.

Many aspects can make a woman personally *vulnerable*, and we will be reviewing some reports that Turkish NGOs provided in order to understand what Syrian women and girls lacked, while we are analysing how Turkey has respected some International Conventions that are significant in terms of women’s human rights with close attention to discrimination and the gender-based violence because these are the first challenges that Syrian migrant women and girls are challenging once they arrived to the host country, in this case Republic of Turkey.

The element of gender is the key aspect here to understand why migrant women and girls are more prone to find themselves in the definition of *personal vulnerability*. We need to clearly differentiate the attitude that a specific gender group receives while the other gender group receives a different attitude for the same case. In literature, *physical fragility* can give an answer for this difference between men and women. Pursuant to the scholars E. Pittaway and L. Bartolomei, women, in general, have become the target of sexual harassment because of their *physical fragility* during an armed conflict by the armed forces in order to shame and demoralize the communities (Pittaway E. et al., 2001). For the first time in history, the

Executive Committee announced the existence of the link between sexual violence against migrant women and coerced displacement in 1993.

Syrian women and young girls passing through the war that is held in their country in order to reach a safer place. However, their challenges continue in different forms and the first one that we will analyze is the discrimination. The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) defines the discrimination against women as *“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”* (CEDAW, 1992). Within this definition, the CEDAW states that the violence can be *“directed against a woman because she is a woman or that affects women disproportionately”* (Ibid). Turkey has ratified CEDAW and in countries that have ratified the treaty, CEDAW proves invaluable in tackling the effects of violence, poverty and lack of legal protection, as well as other discrimination.

On the other side, Turkey has come up recently for the withdrawal from The Council of Europe Convention on preventing and combating violence against women and domestic violence, mostly known as the Istanbul Convention³, that aims to provide protection, prevention, prosecution and co-ordinated policies without discrimination (Council of Europe, n.d.). If we consider Turkey’s long history of femicide and all the reported cases over the last year such as 300 women were killed in 2021, we can see the withdrawal decision as an unconstitutional (many constitutional lawyers in Turkey repeatedly stated that the withdrawal decision is against the Turkish Constitution.) one that requires global attention because this decision added a backlash against the gender equality in Turkey (Biber S., 2021). According to some scholars, the withdrawal decision encourages patriarchal male dominance that wants to act Gender-Based Violence (GBV).

In Turkey, several Syrian women and girls suffered from GBV which is typically related to migration contexts. The high number of Syrian women and girls have problems and complains about receiving a lack of attention from legal authorities for their situation. Since the migration flow began from Syria to Turkey, camps are exceeding their places to live, therefore, Syrian women and girls are finding themselves in conditions where they face

³ Istanbul is a city in Turkey, where the Convention was signed.

challenges in order to get their fundamental needs both inside and outside the camps. For instance, they cannot reach easily to a residency permit which provides enjoyment of several rights (which they do not have access to) such as legal work, access to healthcare, and justice.

Pursuant to a quantitative study which is conducted by Emergency Management Authority (AFAD) and the Prime Ministry Disaster, and collected from Syrian women and girls who are both living inside and outside the camps, the report stated that “*the conditions of our female Syrian guests living outside the camps are not very good. Despite this, only 9 percent of our female guests living outside the camps stated that they wish to live inside the camps.*” Moreover, Syrian women and girls who are living outside the camps stated that “*all needs other than worship items were at insufficient levels*” (AFAD, 2014; cited in Hudock et al., 2016) and the following percentages show what Syrian women and girls lacked: “84% clothing items, 77% food items, 73% insufficient heating, 25% difficult access to drinking water, 42% difficulty of obtaining soap, 55% obtaining diapers, 50% obtaining feminine hygiene products and 55% access to medicine. Around 97% of the females living outside the camps have not been able to earn any income in the past month” (Ibid). These are such needs that are to be used in everyday life and some of them even can be counted as an emergency need since it also involves medical needs.

While Syrian women and girls are in search of their fundamental needs, there are some cases reported as *survival sex* which is one of the most common forms of exploitation in exchange for food, accommodation, or money (IRC, 2012; Poggi F., 2017). Due to the survival needs and economic conditions of Syrian women and girls, there has seen an increase in forced marriages and early ages marriages. Even though early-age marriages are culturally common in Syria, it has extended in Turkey for economic reasons that their family benefit from. For instance, Syrian fathers are forcing their daughter to get married in exchange for money soon as their period starts because they think that girls are becoming women right after that moment.

This makes girls and women a target or in other words, they are becoming the victim of the condition because their right to decide on their life is taken away by others who are commonly male. This situation creates a polygamous marriage structure which is not allowed in Turkey and since legally men cannot marry to more than one woman, Syrian women or young girls are getting married as second, third, or fourth wives by swearing on Qur'an which has no legal acceptance. Therefore, the situation brings follow-up conditions in which Syrian women or girls become personally vulnerable because in the case of illegal marriage, they

may become the victim of domestic violence and some volunteers observed that Syrian women of young girls are becoming the victim of sexual exploitation after escaping from the domestic violence. Additionally, in several cases, volunteers say that Syrian women and girls are forced into prostitution by their partners (Karakaş B., 2018).

Migrant women and girls cannot be expressed as vulnerable per se, only those who suffer from systematic violence based on their gender and discrimination in the country where there is the lack of positive public policies. All these living conditions, discrimination, GBV, lack of access to fundamental needs and especially exploitation reflect the fact of insufficient migration policies and where there is the violation of Syrian women and girls basic human rights. Turkey ranked 133 out of 156 countries in the World Economic Forum's 2021 Global Gender Gap Report (Global Gender Gap Report, 2021). If we consider Turkey's rankings, it has consistently been in the 120 and 129 range in the last decade. This shows us the fact that how powerful the deep-rooted stereotypes and patriarchal attitudes are and also, we can see the Turkish Republic's failure to tackle discrimination against women in general, not only specifically towards the Syrian women and girls.

To conclude, we need to highlight those migrant Syrian women and young girls are suffering from *personal vulnerability* because the gender distinctions are quite sharp and it is related to the damage that they are more likely to suffer from. Even though migrant men and women are suffering from similar living conditions in Turkey, the reported cases showed us that migrant Syrian women and girls are facing more challenges (just because they are women) compared to men. There are forms of GBV and a couple of them are related to exploitation which exemplifies that there is disproportionate damage to rights including the trafficking in human beings.

3.2 Typical vulnerability

The *typical vulnerability* is mainly based on the exogenous aspects, that is depending more on socioeconomic factors which is out of control of the persons. Syrian women and girls flee from their home countries with the fear of death to save their life, but after their arrival, they face challenges to survive in the middle of a new culture, new society. They found themselves suffering from socioeconomic conditions due to some restrictions such as

language, xenophobia, cultural prejudices, and residency permit and in this part, we will be analysing the typical vulnerability concept from the socioeconomic perspective that affects Syrian women and girls from exogenous factors which brought the restrictions to their life in terms of empowerment.

The undocumented migrants have been identified as vulnerable groups due to aspects *de jure* (inequality before the law) and *de facto* (structural inequalities), however, Syrians who are under Temporary Protection may be described as vulnerable groups in Turkey as well because it depends on their socioeconomic status. We will be analysing *de jure* under the context of *atypical vulnerability* to express inequalities before the law. Our focus in this part is to develop the *de facto* features since we are analysing social and economical status of Syrian women and girls in Turkey in order to describe the facts of *typical vulnerability*. We will be highlighting the inequalities that they face because of their gender, nationality or similar other factors that can be influential on creating such socioeconomic inequalities.

Socioeconomic status (SES) is a complex and multidimensional framework that is used to express the social standing of people or groups. Education, income and occupation need to be measured in order to clarify the SES. It is useful to analyse the SES because it reveals the inequalities in access to some resources within the society, especially within migrant groups, and also it helps to bring on the light the issues related to privilege and power (Carillo G., et al. 2020). Migrant people are generally considered to be in an inferior socioeconomic position compared to host citizens. They are also typically depicted as people or groups who lack resources and accordingly must seek assistance from legal authorities (Chang, C.-A., 2022). As a result of this depiction, Syrian women and young girls in Turkey are more exposed than others to the risks of smuggling, violation of human rights and human trafficking because of the SES aspect. Therefore, they are called typically the most vulnerable groups of migrants from the socioeconomic perspective (European Commission, nd).

Del Carpio and Wagner combined microdata from the Turkish Labour Force Survey with macro data on the number of migrants in the regions, and they found out that there is a large displacement of Turkish natives from the informal sector due to migrant Syrian arrivals who can work in lower conditions, for instance, employers are hiring migrants who can work illegally for more hours but have paid much less than Turkish people (Caro L., 2020). This kind of attitude develops the frame of xenophobia among Turkish natives towards Syrian because they think that Syrians are there to steal their jobs. Xenophobia is a broad term

because it overlaps with other forms of discrimination acts such as racism, prejudices, homophobia, and etc. and Fritscher L., (2021) defines xenophobia in two ways as follows;

1. *“Cultural xenophobia: This type involves rejecting objects, traditions, or symbols that are associated with another group or nationality. This can include language, clothing, music, and other traditions associated with the culture.*
2. *Immigrant xenophobia: This type involves rejecting people who the xenophobic individual does not believe belong in the ingroup society. This can involve rejecting people of different religions or nationalities and can lead to persecution, hostility, violence, and even genocide”.*

It is not an unforeseen situation that a xenophobic society structure is being formed in Turkey based on the working atmosphere we have given above. In view of the fact that Syrian nationals are currently choosing to leave rather than continue to put up with racism, xenophobia, and exploitation (Kemal L., 2022). In this case, Syrian women and girls' challenge to survive and find a regular job is getting even harder since there are also cultural prejudices besides xenophobia. For instance, Turkey has a patriarchal society and there is an understanding of women should stay at home and men needs to work, which puts Syrian women and young girls one step back to access the working life. Another case is that Syrian women cannot prove their qualifications for the work requirements while they are seeking a job because their certifications have lost on their way or they do not have the equivalence in Turkey.

Besides the working life conditons and lacking jobs, there some other problems that affects their socioeconomic situation as well. The lack of residency permit develops the current inequalities since Turkish empyloyers do not want to take any responsibility or they are scared because of Syrian natiaonals' lack of legal status. The fact that, Turkish governments call Syrians as *guests* increases inequalities because they are avoided to have permanent conditions from the beginning both from sociateal and legal perspective. Therefore, turkish employers are staying a step back to accpet the applications of Syrian nationals for the job opportunity or they are avoiding them to be registered in their company in order to exploit them and pay less taxes to the state. In this case, most of the Syrian women nationals accept this condition because of the lack of opportunities that given to them.

While adults are experiencing difficulties to work, childrens' case are not telling different stories. It has been reported several times that Syrian young girls whose described as

a child if they are under the age of 18 according to the CRC (1989), are forced to work in low work conditions, beg on the street, or be the victim of sexual exploitation. Child labor often defined as *“work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and/or interferes with their schooling by depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work”* (ILO, n.d.). It has been determined that around two to three thousand of the Syrian young girls migrants are begging, and they can be seen in almost every province. In this case, it is hard for migrant girls to built up a future for themselves where they can enjoy their basic human rights. When the crime of human trafficking is evaluated, it will be evaluated that employing a child under the age of 15 may constitute a human trafficking crime because his consent will not be a valid consent.

There are reports of women with children, and unaccompanied minors, who have Temporary Protection IDs, being deported. For instance, the latest deportation campaign catalyzed fear and concern among Syrians, especially in Istanbul city, coercing many of them, women and elderly, to stay at home scared of being deported. This brings up a situation where they are scared to seek a job since the xenophobic and racist atmosphere may forced them to leave the country and come across with violent acts (Syrians for Turith & Justice, 2019). Legal restrictions add a backlash to the inequalities that they already have since it would be harder for them to seek a job while legal authorities try to make them leave the country. If the conditions do not let them to seek for a regular job, they turn their way to easier ones where their rights to be exploited.

When socioeconomic conditions are not well developed, Syrian women and young girls are becoming an open target for perpetrators who wants to exploit them for the purposes of sexual exploitation, begging on the street, selling their organs, or as mentioned above selling women or girls as second, third wife to the Turkish men. Human traffickers are there to wait their victims to be vulnerable since they are in search for people who does not have hope for their future and psychologically damaged. In this case, Syrian women and girls cannot prove their qualifications and that result with lacking a job, therefore, when they hear a small chance to get a better life, they accept to because they feel what they can lose more unless they try something new. The problem is that Syrian women who are not well educated and has low life conditions make them try different opportunities. However, Syrian women who even qualified

may be the victim of human trafficking because there are a lot of cases where they cannot prove their qualifications.

Low life conditions are against the fundamental human rights of migrants, they have the right to live in dignity, not only because they are granted to be migrant, only as a human. Instability for their condition is the main cause of all socioeconomic inequalities because they cannot have permanent solutions for their survival needs to live in dignity without exploited. If the regulations would regulations them to hold regular work contract, if the stakeholders would provide free language and integration classes, Syrian women and girls could adopt the completely new environment in a more effective way. Only a good action plans would allow this to be happen to them, in other words, Syrian women and girls need more practical help instead having being provided for food or shelter for a temporary period, it is better for them to be educated to get a job and have permanent conditions. However, the problem is more complex than it seems, the inequalities because of their gender reflects to their socioeconomic life and this explains why they are to be identified as *typically vulnerable* in Turkey.

3.3 Atypical vulnerability

The *atypical vulnerability* relies on the aspects *de jure* as we have previously mentioned above and reflects one of the main human rights violations, which is discrimination. Syrian women and young girls are facing a double standard of vulnerability which is discrimination based on their gender and the condition of being under temporary protection, not granted to be refugees. Therefore, the inequalities before the law consolidate the condition of vulnerability in addition to other types that have been previously mentioned under *personal vulnerability* and *typical vulnerability*. Considering the legal framework, Turkey has ratified several international human rights treaties in order to legally protect all the people within its borders. We will be analyzing here the approach of Turkey towards significant human rights treaties in relation to migrant women's rights. Chronologically, Turkey has ratified the following international treaties⁴;

Turkey has ratified International Covenant on Civil and Political Rights (ICCPR) on September 23, 2003, and its First Optional Protocol to the International Covenant on Civil and

⁴ All the ratified treaty informations have taken from OHCHR data base. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=179&Lang=EN

Political Rights by replying “yes” to the individual complaints procedures on November 24, 2006 and its Second Optional Protocol DP to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty on March 2, 2006.

Turkey ratified Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) on August 2, 1988, and the Optional Protocol of the Convention against Torture on September 27, 2011. In addition, Turkey replied “yes” to the Article 20 Inquiry procedure under the Convention against Torture on August 2, 1988.

Turkey ratified the Convention on the Rights of the Child (CRC) and its two optional protocols; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography on August 19, 2002, and Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on May 4, 2004. Moreover, Turkey replied “yes” during the inquiry procedure for Article 13 Inquiry procedure under the Optional Protocol to the Convention on the Rights of the Child of the CRC-OP-IC on December 26, 2017.

As we have previously deeply analyzed, Turkey ratified one of the most important treaties in terms of women’s human rights which is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Turkey has ratified this international treaty on December 20, 1985 (a) and its Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on October 29, 2002 by saying “yes” during the individual complaints procedures.

Turkey ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on September 23, 2003, however, replied as “no” to the Optional protocol to the International Covenant on Economic, Social and Cultural Rights which was during the individual complaints procedures (nd).

Turkey ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) on September 27, 2004. Turkey has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) on September 16, 2002, however Turkey did not answer for the individual complaints under Article 14 of International Convention on the Elimination of All Forms of Racial Discrimination.

In this part, we are discussing the human rights of Syrian women and girls before the law, and we need to combine all the international and national frameworks together in this aspect. The attention needs to turn to the Geneva Convention since it is a Convention where their rights started to be identified. The Geneva Conventions constitute one of the main sources of international humanitarian law. Turkey has signed the four Geneva Conventions and has been party to these conventions and its Protocols since 1954. As previously mentioned⁵, Turkey has geographical limitations regarding refugee recognition. Turkey recognizes only the people who flee from Europe, not from other parts of the world. The Republic of Turkey granted Syrians under the Temporary Protection system by describing them as “guests” who will go back to their country once the civil war ends in Syrian Arab Republic. This conditions put Syrian women one step back before the law since they are not holding permanent conditions.

The fact that Syrian nationals cannot have permanent conditions affects the enjoyment of their fundamental rights. Permanent solutions could be getting Turkish citizenship or having a permanent residence permit, however, Turkish bureaucracy does not let it be so easy for Syrians. Interior Minister of Turkey has recently said that *“In some regions there is a Syrian population of more than 25 percent. According to this scale, we have set a limit on not issuing a residence permit here again. We’ve closed it down. We don’t take any foreigners, not just Syrians”* (Turkey iResidence, 2022). This statement has said after a Turkish citizen was killed by a Syrian group in a fight in the capital, Ankara.

The renewal procedure is regulated in order for Syrian nationals not to disrupt the demographic structure of the population in a city or region in Turkey. for this reason, Turkish officials decided to apply “dilution” which meant no foreigners will be granted residence permits in the regions or cities where the Syrian national population is more than 25 percent. This means that Syrians are not allowed to freely move within Turkey because they will have to remain where they once applied to get the residence permit in order not to exceed 25 percent of the population. In accordance with this decision, all the accommodation of Syrians was checked one by one and Syrians who left the city where they were actually registered were sent back. This case happened mostly in Istanbul and after the investigation, Turkish officials stopped new registrations because of the high concentration of Syrians in Istanbul. There is only one way that Syrians can change the city that they got the residence permit, only

⁵ See the part Approximation to the Refugee Law

humanitarian situations can allow them to leave (Turkey iResidence, revised September 2022).

There are certain fees that must be paid in order to obtain a residence permit in Turkey. These fees are updated every year and the residence permit fees in Turkey for 2022 are: 160 TL for the residence permit card fee, 1040 TL for the residence permit fee, and Health insurance fee depending on the age of the foreigner applying for the permit (it varies between 500 TL and 1750 TL. It is compulsory for persons under the age of sixty-five), Notary and translation expenses maximum 450 TL and Apostille approval fees 89.23 TL per page and this expenditure may not be necessary (Sagmar T., 2022). Every year, the fee is changing and it is usually getting higher because of the inflation in Turkey. Besides all the struggles that Syrians have, getting a residence permit can be also challenging for them in Turkey.

The procedure of a residence permit is another chapter for Syrian women in Turkey because there are already patriarchal limits for them to find a job and the aforementioned regulation's restriction avoids them to check more places to work since they have to live in a city once they registered. If we need to consider how much they need to spend on getting the residence permit, it requires more effort to apply for. Moreover, Syrian nationals need to have an address in order to get a residence permit, however, the dilemma is that they cannot have permanent places because of the work issue. In other words, they cannot work without a residence permit and in some cases, they cannot even rent a place because they do not have a permanent job.

However, the state requires them to hold a residency permit in order to keep the number of them under record. Therefore, in most cases, it encourages them to work in illegal conditions like working without any registration and health insurance where mostly their exertion is exploited. The cases in which they cannot get a residence permit to make Syrian women and girls remain unregistered in the host country and it is an even more dangerous factor for them because of the vulnerability aspect. They can be easier targets for perpetrators of human trafficking since they would prefer to choose people who would not be searched. When Syrian women and girls find themselves victims of human trafficking, they feel less encouraged to apply for official help since there are legal barriers to overcome.

Despite the legal restrictions or conditions as human, Syrian women feels unequal before the law also because of their gender. Recently, Turkey has come with the withdrawal

from the Istanbul Convention in 2021. This is a significant in terms of women's human rights because it provides high level of attention towards violence against women and victims of human trafficking. While Turkey is a party to significant human rights treaties, this withdrawal from the Istanbul Convention added a backlash to the women's human rights in Turkey. There is already a patriarchal structure in Turkey even before the law, withdrawal in a legal sense, made women feel less strong because if they seek protection, they know that no one would be there to protect their rights before the law. These kinds of international human rights treaties give strength to the people because it is a guarantee way to make people feel safe.

Another attention must be turned to the discrimination attitude that they face in both legal and social sense. In the framework of women and girls migration, they require additional protection if we need to compare with male migrants. It is also a fact that has been supported by many studies, women migrants are affected more by the migration process both before and after their arrival. One of the reasons why women are usually forced to flee from their country and seek refugee protection in a different country is that they want to escape from oppression due to their gender in the sense of gender discrimination (AFAD, 2014). Discrimination, stigma and being in a disadvantaged position are rife when dealing with asylum-seekers, refugee groups and minority ethnic groups (Solomos & Beck, 1996; Gordon, 1992).

Citizenship or permanent legal conditions can make them enjoy various human rights before the law. Moreover, it may reflect on their personal and social life positively since they will feel stronger enough to deal with legal problems in their personal life. It is not the only issue where there are always struggles to face, however, it is also significant to consider the fact that full legal protection may avoid the perpetrators before they are acting the crime, therefore, there would be fewer cases of victims of various violence and human trafficking. As being a woman, the issue is even more sensitive on the basis of legal protection, because if a woman found herself one step back in bureaucratic procedures, she will never trust in the future to the officials.

Discriminative attitudes towards women because of their gender and also racial discriminative towards Syrian women and girls because of their nationality make them deal with their cases for a longer time compared to the host society in Turkey. The combination of these two discriminative attitudes both from a gender and nationality perspective should not be seen in a country where democracy decides, the officials need to be educated even more on this since they are facing with sensitive cases like women who are the victim of human

trafficking. Discriminative attitudes, in general, make Syrian women and girls unequal before the law and eventually they are becoming *atypically vulnerable*. If the state officials would be prepared to any unfortunate case in terms of legal protection, Syrian women and girls would feel safer and would feel more encouraged to apply for official help since they would know that the Turkish Republic is behind them to provide the needed protection. Hence, the point is to keep everyone equal before the law so the rest can be solved in a proper way.

3.4 The intersectionality in terms of vulnerability

Over the last two decades, the concept of *intersectionality* developed as one of the most celebrated notions in international human rights law and discourse in terms of women's human rights and intersectionality has started to become a part of policy over these years. The sweeping influence of intersectionality originated in the United States (US) and the influence of intersectionality has reached the United Kingdom (UK) and has been followed by members of the European Union (Pok Yin S. Chow, 2016).

Intersectionality is a concept where it connects all oppression. It is impossible not to consider intersectionality when we speak about inequalities and injustice toward women and young girls because if we do not consider this concept, our efforts to express inequalities will end up perpetuating a system of inequality toward women and young girls (YW Boston Blog, 2017). The importance of this concept will be deeply analyzed with its specific definitions from different perspectives. In this way, we can proceed to analyze what to do with the intersectionality concept in terms of violence against women and young girls.

If we need to clarify what is intersectionality, we need to start from the very basics of it. The Oxford Dictionary has defined intersectionality as “*the interconnected nature of social categorizations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage*” (OED., 2022). According to the same source, it adds “*the network of connections between social categories such as race, class and gender, especially when this may result in additional disadvantage or discrimination*” (Ibid). This concept is a simultaneous situation of different types of cases faced by women, as each woman and girl experiences different types of violence or discriminatory attitudes.

Intersectionality is a concept that acknowledges everyone has their unique cases or experience of discriminative attitude or oppression. We have to consider every side of the cases and every little piece that can marginalize women such as gender, class, race, sexual preference, disability so on so forth (Taylor B., 2019). According to the majority of conservatives, intersectionality refers that *“since you are a minority, you are receiving special standards, special treatment in the eyes of some”* (Coaston J., 2019) and it promotes *“solipsism at the personal level and division at the social level”* (Ibid). Pursuant to another source intersectionality refers to how oppressed s/he is and in this way it tells what s/he is allowed to think. The same source says that, therefore, intersectionality is a dangerous term, in other words, it victimizes the persons (Ibid).

Kimberlé Crenshaw, law professor and social theorist, first coined the term intersectionality in her *“Demarginalizing The Intersection Of Race And Sex: A Black Feminist Critique Of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics”* research in 1989 in order to clarify how the legal systems of oppression overlap and therefore create distinctive experiences for human beings who fit into multiple identity categories (JStore Daily, 2020). Crenshaw K., 1989 stated that *“women from many immigrant communities are vulnerable to violence, not just because they are women, people of color, or poor”*. Crenshaw brings attention in particular to the biases of laws regarding violence against women and immigration law:

“Intersectional subordination need not be intentionally produced; in fact, it is frequently the consequence of the imposition of one burden that interacts with preexisting vulnerabilities to create yet another dimension of disempowerment. In the case of the marriage fraud provisions of the Immigration and Nationality Act [of 1965], the imposition of a policy specifically designed to burden one class—immigrant spouses seeking permanent resident status—exacerbated the disempowerment of those already subordinated by other structures of domination. By failing to take into account the vulnerability of immigrant spouses to domestic violence, Congress positioned these women to absorb the simultaneous impact of its anti-immigration policy and their spouses’ abuse”(Ibid).

Even though the term was coined by Crenshaw in the 1980s in terms of critical race legal studies, it became a concept that continued to be developed over the years of thinking by indigenous and black feminists and other women of color. However and moreover, Crenshaw advanced the Intersectionality concept analysis by focusing deeply on domestic violence

against women of color, by paying particular attention to immigrant women. Her analysis was centered on the fraud provisions of the 1990 Immigration and Nationality Act. In this further study Crenshaw argued about “structural intersectionality” among various of oppression based on gender, class, nationality, and race that affect immigrant women of color both in legal procedure and social life at most risk of violence. Moreover, she argued that this argument required the development of “political intersectionality” because it describes that women of color are the members of at least two subordinated groups – “women” and “people of color” - therefore, it is crucial to develop an antiracist and antisexist framework for social movements (Sisson Runyan A., 2018).

Intersectionality is a theoretical term, however, it is meant to be utilized when there is a combination of inequality, violence and oppression against women. It is always possible to integrate intersectionality into equity work, especially in migrant women's cases because they are at most of the risk of violence as Crenshaw argues. Audre Lorde once said that *“there is no such thing as a single-issue struggle because we do not live single-issue lives”* which captures the essence of intersectionality. Intersectionality develops a deeper lens in the sense of women's human rights since there is no single struggle for them, there is a need for deeper and various types of analysis. Variety of the intersectionality made it recognised also in the legal sense and was demonstrated in the express references across the United Nations (UN) human rights treaty bodies. The UN treaties used this concept in order to highlight how gender discrimination is interrelated with the basis of discrimination on other grounds such as race, socioeconomic condition, ethnicity, and nationality which makes women in disadvantaged (Pok Yin S. Chow, 2016).

Intersectionality needed to be addressed in the international protection standards because of two following reasons; (i) the fact that minority women are relatively more vulnerable to some specific forms of abuses in terms of human rights and (ii) the multiple limitations that they face in every part of their life. The 1991 Guidelines on the Protection of Refugee Women is one of the first documents that addressed the fact that refugee women are more vulnerable to physical and sexual abuse and recognized the need for understanding the international protection of refugee women in the widest sense (UNCHR, 1991). The 1991 Guidelines address that refugee women and their dependents cannot afford shelter, food, or clothing themselves and become relatively more vulnerable in order to obtain those needs, therefore they face human rights abuses in most cases (Ibid).

The Special Rapporteur on Violence against Women (SRVAW) once argued that *“integrating an intersectional approach to gender analysis will enhance the analytical capacity of gender analysis in better identifying the multiple forms of discrimination and link State accountability for human rights under various treaty bodies”* (UNHCR, 2003). If this kind of approach can be applicable, the visibility of violence and discrimination can fully capture the consequences of intersectional discrimination in the international protection atmosphere. In relation to trafficking, the SRVAW argued that *“trafficking in women is fuelled by poverty, racism and sexism”* (UNHCR, 1997) and while trafficking crime fuelling in this way, it might not be wrong to say that barriers, illegalities and restrictions that are created as a result of the migration process, so that can make women intersectionally vulnerable.

In November 2001, an expert group organized by the UN Division for the Advancement of Women on discussing the overlapping facts between gender and racial discrimination agreed on;

“The idea of ‘intersectionality’ seeks to capture both the structural and dynamic consequences of the interaction between two or more forms of discrimination or systems of subordination. It specifically addresses the manner in which racism, patriarchy, economic disadvantages and other discriminatory systems contribute to create layers of inequality that structures the relative positions of women and men, races and other groups. ... Intersectional subordination may be described by the metaphor of a traffic intersection” (UNGA, 2001).

These statements show us that the overlaps of gender and racial discrimination are based on intersectionality because it is the definition where there need to be multiple violence types characterized. The relevant expert group has also discussed the fact that overlapping human rights abuses makes indigenous women are being effective in disempowerment.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) endorsed the concept of intersectionality under Article 2 of General Recommendation No 28;

“The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on

the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men".

While CEDAW General Recommendation No. 28 is describing the intersectionality in this way, it is also calling for states to take action by mentioning that;

"States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences ... "

It must be reminded that states should disaggregate all data collection while they are adopting the aforementioned policies in order to assess multi factors of women's fight against gender and racial discrimination. The CEDAW's Reporting Guidelines demanded that state reports should include information *"with respect to different groups of women, in particular, those subject to multiple forms of discrimination"* (CEDAW, 2018). In this way, states will be able to assess the various cases from a much more effective perspective because intersectionality is to be analyzed here from gender and racial discrimination, however, every woman or young girl experiences it in a very different way. For instance, Syrian women and young girls in Turkey experience a lack of fundamental needs such as food, shelter, and clothing because of discrimination problems and this makes them vulnerable, however, not every Syrian woman and young girl is becoming a victim of human trafficking but many are vulnerable without being the victim of human trafficking (Pok Yin S. Chow, 2016).

As a legal theory, intersectionality seeks to create different frameworks while considering different cases based on the unique experiences while including gender, ethnicity, nationality, race, dis/ability, sexuality, and belonging to a social group. Even the field of international human rights has widespread thanks to the United Nations' Universal Declaration of Human Rights (UDHR) and being caused to the creation of the International Criminal Court (ICC), International Human Rights Law (IHRL), and International Humanitarian Law (IHL), there is much to be done in terms of recognizing human rights violations. The need for the expansion of international human rights must be underlined, especially for those who are marginalized and identified under more than one of the characterizations of the international human rights instrument (Davis N., 2015). For instance, Syrian women and young girls in Turkey belong to minority groups and they are to be identified as women and minority, therefore, this makes them doubly marginalized. In these

cases, the aforementioned human rights mechanisms are not providing the same level of protection because of the variety of cases that reflects differently on all persons.

The variety of the cases creates the intersectionality to be recognized in a legal sense by all the international human rights instruments in order to provide the same level of protection in various cases. The consideration of intersectionality must be assessed during the such processes of international human rights instruments and International Criminal Tribunals (ICTs) in order to understand what make those people doubly marginalized and eventually, become the victim of human rights abuses. The intersectionality must be recognized by IHRL both as a discourse and adjudication of international human rights crimes that is involving women who belong to minority groups. In this way, the effectiveness of intersectionality might be seen during the legal procedures and add a landmark improvement in terms of international human rights.

International human rights mechanisms have traditionally relied upon a “single-axis” approach to enforce legal provisions prohibiting all discrimination acts (Truscan I., 2016). Unfortunately, the real-life cases that migrant women and young girls face are not one-oriented negativity. Discrimination in the migration context includes various aspects based on personal experience. It varies, even more, when there are migrant women who face discrimination both because of their gender and nationality. Therefore, there is a need to include intersectionality in a legal sense to provide legal protection in every needed case.

Syrian women and girls who flee to Turkey, are exposed to the definition of intersectionality because they are the victim of various stereotypes, discrimination, violence, class distinction, etc. For instance, some Turkish women believe that Syrian women migrated to steal their husbands, some Turkish from the working class believe that Syrians are there to steal their jobs or some believed that Syrians cannot integrate into Turkish society because of the diversity between the two cultures. All these types of stereotypes create where there is discrimination based on gender, nationality or belonging to a social group. Therefore, the diversity of discrimination types that they face meets with intersectionality. It is almost impossible to assess the situation of Syrian women and girls without considering intersectionality because it is the only way that considers lots of aspects under one name. When we speak about stereotypes, discrimination, violence, ethnicity, class distinction, religious groups, etc. if we do not consider intersectionality, we cannot evaluate the cases in a proper way and cannot bring a solution to violent cases.

Chapter 4: Human trafficking in terms of Syrian women

Since the beginning of the Syrian Civil War, the Syrian government does not fully meet the minimum standards for the elimination of trafficking types and neither hold any traffickers criminally accountable, including complicit government officials nor did it identify or protect any trafficking victims. Instead of investigating the source of the crimes, the government detained, arrested and severely abused the victims of human trafficking because of their unlawful acts which actually traffickers forced them to do such as prostitution, and illegally working. These actions of the Syrian government only contributed to the Syrian nationals' vulnerability condition which leads to the trafficking in human beings (US Department of State, 2021).

Syrian women and also young girls are forced into marriages with ISIS fighters in Syria, specifically in the areas where they control and although they are no longer maintaining the region since the end of 2020, high numbers of particularly Syrian women and young girls reported missing. The main trafficking types that they are facing the forced marriages, systematic rape, forced begging on the streets, sexual exploitation or slavery, domestic servitude and other forms of violence. The Syrian Civil War itself and the displacement in the sense of migration create grounds for exploitation and trafficking (Walton L. M., 2018).

Syrian women and young girls are highly at risk of trafficking in neighboring countries as well such as Iraq, Jordan, Lebanon, Iraq and Turkey because of their vulnerability condition. They are getting vulnerable to trafficking also because of their migration condition. They face commercial sex or other forms of sexual exploitation during the period in which they are staying in refugee camps in Lebanon, Egypt, Jordan, and cities in the Iraqi Kurdistan Region, including Sulaimaniya (US Department of State, 2021). Accounts of several scenarios reported in which Syrian women and children ended up in the hands of traffickers in the neighboring countries because of their massive migration movements.

In Lebanon, Syrian women become the victims of sex trafficking in which they are often treated as criminals. The condition of these women's vulnerability is compounded by the way that the law is applied in Lebanon. Article 523 of the Lebanese Penal Code criminalizes “*any person who practices secret prostitution or facilitates it*” which means the punishment is

a prison sentence that starts from a month to a year (KAFA & CAP, 2022). It is legal to work as a licensed prostitute in Lebanon, however, since the 1970s, the Lebanon Government has not issued any related licenses so Syrian women who are forced to work as prostitutes are vulnerable to being detained as well as being the victim (Ibid).

Lawyer Hasna Abdulreda, the head of the legal department at the Lebanese Centre for Human Rights, a local NGO, says that *“The trials are very fast and if the judge is given any reason to think that the woman is consenting to prostitution (for example because she keeps a share of the money), then he will just send her to prison without any further investigation”* (Sala D., 2020). This kind of way of deciding is applicable even though it is against both Lebanese law and the UN Convention on Human Trafficking because in these cases the victim's consent is not considered but instead neglected (Ibid).

Syrian women and young girls may identified as vulnerable to exploitation and trafficking also in Jordan. In 2009, Jordan legislated an anti-trafficking law and has also ratified UN conventions regarding discrimination, violence, and protection. Since Jordan is a Muslim country too, there have been acts of religious marriages for those who are under 18, especially in Syrian refugee camps. It has been decided that Jordanian law needed to be applied also there so marriages of under-18s being conducted by imams or sheiks are decided not to be recognized by the Jordanian courts. However, Syrian women and young girls who are in search of a better life in Jordan as well as in other countries too, believe in false promises of men and getting married as the best solution. After a short while, they face the other side of these people in which women face violence. For instance, Ishtar is one of those Syrian women who wrote a smuggled letter to the Guardian saying that

“I left my family and my son in Syria, and I met a man from Palestine who brought me to Amman. In the first three months, he treated me well, but then he started forcing me to work in bars and in illegal activities. He made me sign a marriage certificate with certain conditions. My son is sick and I can't go to see him, because this man takes all the money I earn from work. The situation of my family is so miserable. I don't know what to do. I hope you can help and find a solution for me” (The Guardian, 2014).

Aid workers in the region are keep warning that the risk of trafficking and exploitation increasing because of their survival struggle in which they are not allowed to work. After the

arrival of Syrian women and young girls into the camps, predatory men try to sell them into marriages for the purposes of trafficking regardless of the ages (The Guardian, 2014).

Syrian women and girls in Egypt are facing human trafficking under the marriage structure mostly. The phenomenon has even expanded to social media pages that offer Syrian women and young girls marriages. There is even one page created under the name of “Syrian girls for marriage in Egypt” by sympathized rhetoric of Islamic marriages as giving a hand to women, girls, and widows. The marriages that take place of Egyptian males to Syrian women and young girls in exchange for money are both criminal acts under the name of human trafficking and a political disaster (Taha R. M., 2013). Since Syrian women and girls are moving to other countries to seek asylum, marriage should not be the only solution for them to hope to solve their problems. It is getting a political disaster also because it shows the fact of the absence of public support.

Since the Syrian massive migration started with the civil war, the Republic of Turkey is facing human trafficking crimes as well as the other neighboring counties of the Syrian Arab Republic. The most important point is that Turkey has been identified as the country which is hosting the highest migrant population in the world and receiving also irregular migrants because of its unique geographic position, which opens the gates for transnational crimes in which migrants become the victim of human trafficking. According to a report published by the Association for Human Rights and Solidarity with the Oppressed, early, forced and polygamy marriages, systematic rape, sexual harassment, and other forms of trafficking types are the cases and the key concerns that urge the severe conditions of Syrian women (Mazlumder Women's Studies Group, 2014).

According to a report by the International Center for Migration Policy Development (ICMPD), the exploitation of Syrian women is mostly carried out by their family members or acquaintances (ICMPD, 2016). Eren Keskin, lawyer and vice-president of the Human Rights Association of Turkey says that “*we found that women are forced into prostitution because they want to but bread for their children*” (Global Initiative, 2015). This shows that Syrian women and girls are not only forced by someone or their partners for trafficking purposes, but these can also be cases where the conditions make them to accept unfortunate conditions by believing in false promises. The way that Syrian women and young girls are becoming the victim of human trafficking is the ground of the migration and displacement itself because of the creation ground for the vulnerability, moreover, it can be also the case because of the economic desperation which causes the absence of public services support.

The 1951 Convention Relating to the Status of Refugees and 1967 protocols along with two Arab conventions, “Declaration on the Protection of Refugees from Arab Countries” and “Displaced Persons in the Arab World”, established in 1992 and 1994 are agreed to provide protection for refugees fleeing from armed conflict and political instability (Walton, L. M. 2018). However, the fact is that hosting countries do not necessarily provide public support for them due to the unexpectedly massive numbers of refugees. Even though there are international programs that are providing economic support, there is still an increase in exponential need. In the case of Syrian women and young girls trafficking, the phenomena created based on their vulnerability condition and transitional roots of the trafficking act tried to benefit from this due to the gaps in terms of protection.

The increasing phenomenon of Syrian women and girls in the world of human trafficking, mostly in sex trafficking needs to be urged by both national and international sanctions on the perpetrators. This is a sort of war declaration against the migrant Syrian women and young girls, they are becoming the victims of human trafficking which is directing their gender. The desperate conditions are victimizing them and constructing additional barriers to their vulnerable status. Since the increasing impact of their vulnerabilities may create new demands for trafficking, as (early) marriage cases turned to be sort of marriage tourism because of transnational demands. Therefore, the international community needs to take action to support the Syrian government, Turkey as well as other neighboring countries to protect the lives of women and children because cooperation is the key aspect in order to overcome such criminal acts.

4.1 Overview of the human trafficking problem in Turkey

Before the Syrian migration emerged as a crisis, there was a different picture in Turkey in terms of victims profile for trafficking in human beings (THB). They were mostly originating from former Soviet Union countries and are to be called “Natasha” or they were Turkish women and LGBT+ people who were the victims within the country. Russia, Ukraine and Asian crime groups were cited as the main traffickers in those times in Turkey because of the unique position of Turkey which is bridging Europe and Asia. We consider that THB is one of the migration matters since it has an impact on the victimization of migrant people by using their constructed vulnerability. In accordance, we make a connection between the

transnational roots of THB and with transnational moves of migrants thus making Turkey a geographically unique location for these criminal acts.

In the last 20 years, Turkey's Migration Management Directorate Savaş Ünlü reported to Anadolu Agency (AA) on World Day Against Trafficking in Persons, more than 3200 people from various nationalities, including Turkish people, have been reported as victims of human trafficking without detailing the exact numbers of nationalities and genders. Pursuant to the same source, the PKK terrorist organization has been playing the protagonist role in kidnapping children and women in order to accomplish their nefarious goals (Daily Sabah, 2022). It has been known that PKK uses children in terrorist acts by making them child soldiers and they kidnap women for sexual exploitation and systematic rape. Besides kidnaps for slavery, many women and girls believed in false promises and voluntarily leave their homelands while hoping to work permanently risen the feminization of migration, however, many of them were forced to sign contracts that result in debt bondage which make them the victim of THB mostly in sex trade. (Gül & Güler, 2016).

The feminization in migration matter has recorded a rise since women identified as more fragile to accept such conditions or they identified as more emotional compared to men and they would accept some conditions in order to save their family or children. The armed conflict in Syria has caused a humanitarian crisis also for Syrian men and boys because they have been victims of terrorist fighters. In the words of one, *“age is no barrier: from children to young men are targeted. There is a pattern that young men in their late teens or early twenties are specifically targeted although it can happen to everybody”*. There are also concerns about wider risks for them in order to be trafficked as child soldiers, forced labor or sexually exploited boys (All Survivors Project, 2018). Although Syrian men are often caught up in crisis in Turkey, their vulnerable conditions are often overlooked because the way that their vulnerability is constructed is different compared to Syrian women and the results that come with it.

Furthermore, the number of trafficking victims is also determinative for the attention in terms of gender difference because the Syrian women and girls trafficking reported more than the male victims and the matter turned out to be an international phenomenon in neighboring countries. Thus, the fact remains that Syrian women and girls are identified more vulnerable compared to men because they are at particular risk to be exploited sexually because the matter targets their gender (Echoes from Syria, 2014). The way that their victimization process is even sexualized by the perpetrators or during the period while their

vulnerability is raising, is may the reason whether that is to fill a local demand i.e. women being forced to provide sexual services to military groups or forced to work in brothels. They are also victimized in other types of THB such as forced labor, domestic work, begging on the streets, however, it is obviously recorded that their victimization is sexualized. The reasons varies based on the patriarchal structure, stereotypes, gender-based approach or cultural stigma which can be the reasons for differentiating the consequences for them.

The trafficking problem, especially sexual exploitation, is challenging for Turkey to solve because prostitution in officially registered brothels, known as general houses (genelev) is legal and is regulated by article 227 of the Turkish Penal Code no. 5237. However, there are some key aspects that should be expressed in order to understand the criminalization of prostitution and its approach in Turkey. In Turkish language, prostitution can be described as *“having sexual intercourse with one or more people in exchange for money in a way that does not comply with the rules of the society”* (Yılmaz K., 2022).

Prostitution is not regulated as a crime in the Turkish Penal Code and there are some programs provided by the government in which sex workers provide free medical care and other social services thanks to their special identity cards given by government agencies. On the other hand, illegal prostitution has been determined as an operation brothel without a legal license is punishable in Turkey (Daily News, 2018). Kardelen Yılmaz who is the legal adviser at the Red Umbrella Sexual Health and Human Rights Association NGO said that “many unregistered sex workers could easily be effectively criminalised due to their murky legal status” (Kaplan A., 2020). Prostitution is criminalized in cases if it is against public morality as regulated in the Turkish Penal Code. If illegal prostitution has a relation with human trafficking, the sentences are much harder which will be discussed in the following sections in detail (see Chapter 4.3).

Furthermore, the criminalization of prostitution under the Turkish Penal Code has a victim-oriented perspective which means that the person who commits prostitution is considered a victim, not a criminal, because it is assumed that they are dragged into prostitution by a third party (Yılmaz K., 2022). It would be challenging for Turkey to identify who are the victims of THB, who are the perpetrators, who are illegally running this sort of business or who are willingly work as a sex worker because it will require a huge amount of time in the field investigation. The question is raised from here about whether the customer who demands to have this sort of service should be criminalized or not because it should be considered that the demand encourages the perpetrators to do those criminal acts in order to

provide services for demand. In most cases, they are not criminalized if they do not have a relation with running the business and whether they can be even a witness during the legal procedures.

According to Inside Turkey (2020) sources, there are 40 legal brothels in Turkey (Kaplan A., 2020), which left migrant women even more vulnerable to exploitation, are consigned to plying the sexual demand in the rougher neighborhoods of this city. Inside Turkey attempted to set interviews with women who are so-called sex workers were denied and nobody let them inside for reporting purposes (Ibid), thus, it raised follow-up suspicions about the safety of the place and people who stay in those places. Thus, the need of victim-oriented policies appears as an urgent one since the lack of governmental support may encourage perpetrators in order to victimize more women who are prone to their criminal purposes.

The lack of government support make the trafficking crimes more challenging for victims to search for solutions. There are a couple of basic reasons, for instance, they do not know where to seek official help, they might be scared to seek help or their freedom might be restricted. The most challenging fact would be besides the absence of government support, the criminal law itself. In Turkey, for instance, the proposal of a bill caused major protests in 2017, the reason was that the sentences would have been postponed if the child sex offenders would marry their victims and in response to the major protest, the bill was withdrawn (ECPAT, 2020). Another lack of governmental support would be given once again the withdrawal decision from the Istanbul Convention. Even the purpose of this bill and the withdrawal decision proved the absence of support on behalf of the victims because the consideration of these decisions are against Turkey's victim oriented approach.

Besides the victimization of Syrian women mostly in sex trafficking, young girls are also facing through similar challenges. Regarding the trafficking problem of Syrian girls, UNICEF (United Nations International Children's Fund) and ECPAT (End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Persons) released their initiative and results in order to improve the life quality of vulnerable groups. These are both separate initiatives, however, both had a common point which is focusing on Turkey for the related issues. UNICEF supported a program "No Lost Generation" in Egypt, Iraq, Jordan, Lebanon, and Turkey for the purposes of improving education and child protection of the most vulnerable children, youth, and their families across these regions. This initiative was needed also in terms of advocating policy and legal reforms (UNICEF, 2022). ECPAT released a

report which is focusing on Turkey about migration matter in order to monitor the sexual exploitation of Syrian children. This monitoring report urges Turkey to take strict measures by applying related Turkish laws to avoid child marriages and polygamy by referencing Article 5(5) of the Council of Europe Convention on Action Against the Trafficking in Human Beings, which requires Turkey and other parties to "take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them." (Rossman M., 2020).

These initiatives were needed for empowering the young Syrian girls in Turkey because their victimization in terms of trafficking is also sexualized as the Syrian women. For instance, their parents try to marry them to Turkish men in exchange money regardless of the age and this can be also the case to try to marry them as second or third wife at their early ages. Early ages marriages in not a new phenomena for Syrian people, however, it is not the case for Turkey, therefore, these attempts of parents under the name of a need, helps to develop such stereotypes that targets young girls' gender. These situations are double traumatizing young girls because they are already escaped from conflict and migrated from long distance, later facing these challenges which is against their dignity are giving birth to permanent problems in terms of their trauma while growing up. They are not only the victim of early ages and polygamic marriages but also in some THB cases, they are forced to beg on the streets or illegally work in hidden places in exchange of survival needs such as food and shelter. They are on the ages when they should receive education and proper family environment.

Overall, the shift in victims profile has recorded especially in sex trafficking victims because the high migration rate of Syrian women and young girls reflected as the shift in demand and perpetrators' victimizing purpose. When we consider the comparison between the victimization of female and male, it has been clear to see that women are more prone to be the victim of THB. Furthermore, it has been considered that both Syrian women and young girls are suffer from the sexualization also in terms of their victimization in THB because they are usually becoming victims for sexual exploitation purposes. Turkey is geographically in the middle of transnational roots that crime groups use as an excuse for the massive migration crisis. Although the Republic of Turkey is hosting the highest the migrant population in the world and there are highly reported cases of trafficking of human beings, the profile of victims is not different compared to neighboring countries to the Syrian Arab Republic because of the cultural similarities along with neighboring ties created a phenomenon for

Syrian women and girls which targeted their gender to be trafficked. Unlike neighboring countries, Turkey approaches to cases with a victim oriented perspective, the implementation and the lack governmental support in advance filled by the perpetrators by exploiting Syrian women and young girls.

4.2 International and national legal framework about human trafficking

In the subject of combating human trafficking, it should be adopted a victim-oriented approach. The prevention of human trafficking requires countries to make some international and national administrative regulations in addition to the criminal provisions regarding combating human trafficking. Since human trafficking crime is mostly acted by international crime groups while considering the global dimension of the concept, it is very crucial for a country to be actively in cooperation with other countries. In our case, Turkey has made considerable strides over the last two decades in strengthening its national legal framework to eliminate discrimination and combat violence against women and girls, including human trafficking and domestic violence while cooperating with international standards. In this section, we will be considering the international legal frameworks and their reflection on Turkey in a national legal sense.

The most significant development in the international community was the adoption of the Protocol against Trafficking in Persons, which supplements the United Nations Convention against Transnational Organized Crime, (UNTOC), which has become the primary legal instrument concerning trafficking in persons. It was adopted by the General Assembly under resolution 55/25 on 15 November 2000 and entered into force on 25 December 2003. The UNTOC has been also identified as the Palermo Protocol which provides a common definition of trafficking and sets international standards (UNODC, 2019).

The Palermo Protocol meets with three main purposes as follows; the first aim is to prevent and combat trafficking in persons, paying particular attention to women and children; the second aim is to protect and assist the victims of such trafficking, with full respect for their human rights; and the third aim is to promote cooperation among States Parties to meet first two objectives. Specifically, Article 5 of the Palermo Protocol requires States to

criminalize trafficking, attempted trafficking, and any other intentional participation or organization in a trafficking scheme (UNODC, 2019).

Before the adoption of the Palermo Protocol in 2000, there are other international conventions and declarations that addressed the various aspects of THB. Trafficking in persons is an issue of the international community, intergovernmental organizations and states which is the reason they have been increasingly involved to combat it. Those international legal frameworks are helping to create ground for a comprehensive response in combating trafficking in persons while complementing and adding to the requirements of the Protocol. Over time, the European Union, the Council of Europe and the United Nations developed binding legislation on trafficking in persons that helped to be emerged new laws, protocols and conventions both at national and international levels (Ibid).

The Palermo Protocol was the first instrument which has described human trafficking in a wider sense while the other International conventions and declarations addressed crimes similar to trafficking in persons before or after the Palermo Protocol. According to the time order, they will be sorted as follows⁶ (UNODC, 2019);

The Convention to Suppress the Slave Trade and Slavery of 1926, states in Article (2) that the parties agreed *"to prevent and suppress the slave trade "and to progressively bring about "the complete elimination of slavery in all its forms."*

The Universal Declaration of Human Rights of 1948, declares in Article 4 that *" No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."*

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of Prostitution of Others of 1949. The Preamble to this Convention provided that *"Whereas prostitution and the accompanying evil of traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community" Article 17 thereof provides that States parties are required to " undertake, in connection with immigration and emigration, to adopt or maintain such measures ASE are required, in terms of their obligations under the present Convention, to check the traffic in persons of either sex for the purpose of prostitution."*

⁶ The list of Declarations and Convention have taken from United Nations Office on Drugs and Crime (UNODC), (2019) report named "The international legal framework: The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children". <https://www.unodc.org/e4j/en/tip-and-som/module-6/key-issues/international-legal-framework.html>

The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, states in Article 3 (1) that *"the act of conveying or attempting to convey slaves from one country to another by whatever means of transport, or of being accessory thereto shall be a criminal offense under the laws of the States Parties to this Convention and persons convicted thereto shall be liable to very severe penalties."*

The Covenant on Civil and Political Rights of 1966, in Article 8 states that *" 1. No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. 2. No one shall be held in servitude. 3. No one shall be required to perform forced or compulsory labour."*

The Convention on the Elimination of All Forms of Discrimination against Women of 1979 in Article 6 which calls upon States parties to *"take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."*

The Convention on the Rights of the Child of 1989, which states that States parties must *"take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form."*

The Convention on the Rights of All Migrant Workers and Members of their Families of 1990, in Article 11 provides that *"No migrant worker or member of his or her family shall be held in slavery or servitude... (or) required to perform forced or compulsory labour "*.

The Declaration on the Elimination of Violence against Women of 1993, which defines *"violence against women"* to include *"rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution."*

The Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption of 1993 provides in Article 32 that *"No one shall derive improper financial or other gain from an activity related to an inter- country adoption"*.

The Rome Statute of the International Criminal Court of 1998, which defines in Article 7 *"Crimes against Humanity"* to include *"Enslavement "* which means *"the exercise of any and all of the powers attaching to the right of ownership over a person, in particular women and children"*.

The ILO Convention No 182 on the Elimination of the Worst Forms of Child Labour of 1999, provides in Article 3 *"all forms of slavery or practices similar to slavery such as the sale and trafficking of children"*.

The Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution, Child Pornography of 2000 stipulates in Article 10 that State parties must *"take all necessary steps to strengthen international cooperation by multinational, regional and bilateral agreements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism"*.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict of 2000 requires States parties to ensure that *"persons who have not attained the age of 18 years are not compulsory recruited into their armed forces"*.

As the Palermo Protocol remains the only convention that described trafficking in persons, compared to other conventions and declarations, there are also some aspects that differentiate its unique protection over the victims of human trafficking. While the Palermo Protocol covers various forms of trafficking, the aforementioned declarations and conventions are mostly concerned with sexual exploitation and slavery. These declarations and conventions are focusing on prohibition to combat the act of human trafficking by calling State to do so, while the Protocol focuses more on the protection of the victim as it specifies in Article 2, the protection of the human rights of victims and calls for a holistic response, including strong international cooperation, as well as prevention.

Pursuant to UNHCR, there are still implemental gaps in terms of international norms and although the Palermo protocol calls for a comprehensive approach instead of restricting the identification of human trafficking into traditional norms, the narrow approach to human trafficking could not go beyond. The same source suggests that the only way to combat human trafficking at the national level is to recognize and implement all the international instruments instead approaching from only an immigration or solely criminal perspective (UNCHR, 2014) because of the crime is comprehensive and the impacts need to be solved in variation as well as consideration of cooperative approach.

The matter is to work in cooperation together with the international frameworks and adopt them into national ones to create a sort of one-dimensional approach that is well-

designed enough to combat THB. Progressively, we will assess these dimensions mentioned above in terms of the adoption of Turkey into its national legislation. As hosting the highest number of refugees, Turkey's approach in terms of combating human trafficking becomes crucial because the narrow approach to human trafficking is based on an immigrant perspective, however, Turkey has taken initiatives in terms of bilateral, regional and international settlements in related activities with the United Nations, Council of Europe, OSCE, and European Union.

The major national agencies and administration involved in combating trafficking in human beings activities are the Ministry of Interior (General Directorate of Security, General Command of Gendarmerie, Turkish Coast Guard Command, DGMM), Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Social Security, Ministry of Family and Social Policies (Directorate General of Child Protection Services and Directorate General for Women's Status) and Ministry of Health. These governmental bodies are working together with their related provincial directorates in order to manage cooperatively.

First of all, Turkey has engaged its efforts to address human trafficking by signing bilateral cooperation agreements with Belarus, Georgia, Ukraine, Moldova and Kyrgyzstan. Turkey has advocated the idea that human trafficking cannot be prevented without cooperating because the trafficking crime has its transnational roots. Turkey has supported the idea of combating human trafficking with a well-designed, coordinated and comprehensive response instead of dealing with the issue traditionally. In this framework, Turkey was aware that acceding to international cooperations and implementing them in the national legal context is essential for success. Turkey has introduced numerous administrative and legal measures with NGOs cooperation to combat human trafficking by focusing on the primary pillars such as prevention, protection, prosecution and cooperation. Turkey has become a party to international legal instruments to combat THB and the biggest initiative was to become a party to UN Conventions against Transnational Organized Crime (Palermo Convention) and its supplementary protocols on Trafficking in Human Beings and Smuggling of Migrants were ratified in March 2003, has also signed the Council of Europe Convention on Action against Trafficking in Human Beings in March 2009 and became a party as of 2nd May 2016.

In advance to the adoption of the Palermo Protocol in Turkey, in December 2000, Turkey has signed the UN Convention against Transnational Organised Crime and its supplementary Protocols on Trafficking in Persons and Smuggling of Migrants. Actually

since this day, important international and national legislative initiatives were taken to combat human trafficking in Turkey. In accordance with women's human rights, Turkey ratified the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985 and the Optional Protocol "recognizing the competency of the Committee on the Elimination of All Forms of Discrimination Against Women" was signed in 2000 and ratified in October 2002. To improve the national legal framework in terms of violence against women, Turkey became the first country to ratify the Istanbul Convention in 2012 and adopted the "Law to Protect Family and Prevent Violence Against Women" (No 6284) in 2012. The law of 6284 establishes a significant legal framework at the national level for the protection, prevention and elimination of violence against women and girls in Turkey regardless of where they originated from.

Secondly, these initiatives were not only dedicated to women's human rights in terms of combating THB but also reflected children's human rights since young girls who are under 18 are victimized in THB. Since there are numerous cases of children who are the victim of human trafficking, Turkey has taken initiatives in this aspect as well by participating in the International Programme for the Elimination of Child Labour (IPEC) in 1992. The ratification of the 1989 United Nations Convention on the Rights of the Child (CRC) in 1995 was one of the most significant aspects as much as the ratification of the Palermo Protocol because it led Turkey to expand its protection over the child victims of trafficking with the ratification of the Optional Protocols to the CRC in 2000 on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. One of the most seen cases of child trafficking is forced labor and Turkey took the initiative with the ratification of the Council of European Convention on the Exercise of Children's Rights in 2002 and the 1999 ILO Convention no. 182 on Worst Forms of Child Labour (Ministry of Foreign Affairs of Turkey, n.d.).

Regarding both Syrian women and young girls victims of THB, the amendment to the citizenship law was also a determinative initiative taken by Turkey. It has been previously repeatedly mentioned that both Syrian women and young girls are victimized by mostly their partners in marriages that they have believed into false promises such as getting citizenship, being protected by their partners, or they are volunteering to get married to protect their family financially. In 2003 and 2009, Turkey added amendments to its Citizenship law to prevent forced marriages, marriages of convenience, and human trafficking through fake marriages. The amendments were significant in terms of avoiding possible criminal acts

because they restricted the rights of those who were getting Turkish citizenship automatically when they get married, thus, the amendments brought the new regulation that asks for three years of proven legal marriage from foreigners to get citizenship (ICMPD, 2013).

During the 2000s, another significant initiative was taken by Turkey in terms of combating THB, by collecting all the new regulations, provisions and national laws in one document that is named Circular 74 in 2006 (ICMPD, 2013). This initiative helped to formalize the anti-trafficking efforts and apply international standards on a national base. The ICMPD defines Circular 74 as follows *“it is a comprehensive document that covers a variety of subjects regarding the fight against human trafficking, including: rules and regulations on awareness raising campaigns, training of law enforcement units, investigation of trafficking crimes, investigation of perpetrators in trafficking cases, identification of victims of trafficking, victim protection and support, cooperation with civil society and international organisations, reflection period and temporary resident permits, ensuring safe return of the victims and international cooperation”* (ICMPD, 2013). This document was helpful in terms of providing a comprehensive approach to victims such as it developed step-by-step instructions on how to investigate trafficking cases, how to approach victims, and national or transnational referral mechanisms, and it was effective in terms of developing prevention strategies as well (Ibid).

Thirdly, cooperative prevention led Turkey to establish “The National Task Force on Fight against Human Trafficking” in 2002 and this National Task is significant in terms of policy-making for combating human trafficking and identification of the victims. The last meeting was held in December 2014, it was an Action Plan aimed to achieve the relevant international standard goals to combat the trafficking of human beings in Turkey. The National Task Force was effective in terms of Action Plans preparation because they are the plans which focus on the implementation and analyze the cases based on the needs. Until the last meeting of the National Task Force, three National Action Plans (NAP) were prepared and these plans aimed to achieve the international standards in terms of adoption at the national level in terms of combating THB in Turkey and they have targeted to strengthen the cooperation between the government bodies and the public (Ismayilzada T., 2021). Action Plans have a significant place in terms of improvements in human rights because their aim is primarily to promote and protect the rights of those who needed to be protected.

The adoption of the first NAP was in 2003 which was focusing on the establishment of shelters, assistance for victims, provided voluntary safe return, training of law enforcement

officers, and collaborations with NGOs adopted as the highlights of it in terms of actions taken to combat THB. The adoption of the second NAP in 2009 includes activities which are addressing the policies to combat THB in a comprehensive sense that focuses victim-oriented. The NAP between 2016 to 2020, had a specific focus on combating THB under two different actions which were under Target 2 and 4. These were aimed to raise public awareness, ensure regulation and implementation of health services for women victims of violence, their child(ren) and achievement in mental transformation on violence against women in order to reinforce criminal acts by providing training and workshops in cooperation with related actors (Ministry of Family and Social Policies, 2016). Turkey has adopted and introduced the fourth NAP that covers the following three years, from 2021 to 2025, which are welcomed as significant developments in terms of combating violence against women, however, it raised a couple of concerns.

Before the adoption of the last NAP, in 2017, “The Coordination Commission on Combating Human Trafficking” was established by the Turkish government according to the Law on Foreigners and International Protection. Moreover, other necessary amendments were made to align with the international regulations that we will be covering (see Chapter 4.3) especially in the Turkish Penal Code and Law on the Work Permits for Foreigners and the Turkish Nationality Law to help to combat Trafficking in Human Beings. Another project were carried out by the Akçakale Municipality, the District Governor’s Office and its affiliated institutions and civil society in between 2021 to 2022, which was named “Strengthening Local Actions Against Human Trafficking”, aiming to raise awareness for the victims and provide training for officers (İnsan Ticareti ile Mücadele, n.d.). They have organized meetings with victims, provide informative handbooks, provided training courses for officers and prepared animation for schools for awareness (Ibid). Although, it was a small municipality initiative, the goals and the implementation process would be exemplified by national or international actors.

Finally, the 4th NAP announcement was released on the day of Turkey’s withdrawal from the Istanbul Convention on July 1, 2021 (Kadının İnsan Hakları Yeni Çözümler Derneği, 2021). Turkey was the first country to sign the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Istanbul Convention in 2012. Although Turkey has taken significant initiatives on both national and international levels, the withdrawal decision avoids developing such initiatives in terms of protecting victims. Istanbul Convention is accepted as a roadmap for combating all types of violence

against women and while the 3rd NAP of Turkey cited Istanbul Convention 22 times, the 4th NAP did not even refer to all types of gender equality besides not mentioning the Istanbul Convention (Kadının İnsan Hakları Yeni Çözümler Derneği, 2021).

The 4th NAP was not only lacking the roadmap of the Istanbul Convention, but also it was lacking in terms of monitoring, data collection and evaluation which are the main pillars of an action plan. For instance, the 4th NAP was considering the Research on Domestic Violence against Women in Turkey that was conducted in 2014 and was the most comprehensive research regarding violence against women, as the newest data source. There was also no mention about ŞÖNİMs (Violence Prevention and Monitoring Centers) data source, which records significant cases, thus the NAP did not consider the qualified data. There was also no mention about previous NAP's achievements and failures which is an important matter in terms of achievement for the following NAP. Regarding the international frameworks, GREVIO and CEDAW published their monitoring reports before the 4th NAP of Turkey, however, the recommendations or the assessments were not considered in this NAP (Women's Shelter Foundation, 2021).

Dubravka Šimonović, the UN Special Rapporteur on violence against women said that *"This decision to withdraw from such an important instrument is a very worrying step backwards. It sends a dangerous message that violence against women is not important, with the risk of encouraging perpetrators and weakening measures to prevent it"* (UNHCR, 2021). The key aspects of the Istanbul Convention are children's rights, women's rights and most importantly their protection from any type of abuse or exploitation. The convention contains a range of measures to prevent gender-based violence against women and girls (also including boys who are the victim of abuse), however, a recent verdict in children and women abuse cases caused outrage in Turkey and it illustrates the lack of protection that they have. The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) released the first report on Turkey in 2019 and pointed the gaps related to the anti-trafficking response of Turkey. For instance, the report mentioned the gaps by highlighting the absence of a national anti-trafficking action plan, the absence of civil society involved in the planning procedures, the lack of implementing and evaluating the national anti-trafficking policies (CoE, 2019).

The initiatives of Turkey show that the international instruments were taken into account with close consideration of the victim-oriented approach. Before and after the ratification of the Palermo Protocol, there were both international and national legal measures

adopted with a cooperative approach. However, Turkey is located in transnational roots and middle of the irregular migration movement which makes it the legal measures harder to intervene in the cases because of its complexity to reach out the victims. Although Turkey took into account various international instruments in its legislative structure by ratifying relevant Conventions, the withdrawal from the Istanbul Convention emerged as a deep structural problem in terms of prevention, protection, prosecution and cooperation. It was a subversive step to take after what it is constructed to protect women's and children's human rights from the devastating impact of the trafficking of human beings. Even though the withdrawal had led to uprisings from the international community and added a backlash, throughout all the time, some improvements were taken into account in terms of Turkish Criminal Law and the adaption of LFIP thanks to the international instruments and in the following sections, we will be covering the application of law structure.

4.3 Application of the anti-trafficking law and the Turkish criminal code

For the first time, in August 2002, Turkish Grand National Assembly (TGNA) adopted two amendments by defining human trafficking and migrant smuggling as crime under the Turkish Criminal Code (Presidency of Migration Management of Turkey, n.d.). The human trafficking crime was defined under the article 201/b which is inserted in Turkish Criminal Code by Law No. 4771 and published in the Official Gazette No. 24841 of 9/08/2002 (Ibid). The law came into force with the applications of severe sanctions in order to combat human trafficking and commit those who acts the crime. Under Article 79 and Article 80 of new Turkish Criminal Code No. 5237, which is effective as from 1 June 2005, the related crime act was addressed again and the punishments for those committing the mentioned crime were increased in order to keep the sanctions updated and reduce the gaps to minimum (Ibid). In 19/12/2006, the arrangements of adding the expressions of "*forced prostitution*" and "*the person bringing into the country/taking out from the country*" were added in order to make the Turkish Criminal Code fully harmonised with the Palermo Protocol in terms of combating human trafficking crime (Ibid). Lately, Council of European Convention on Action against Human Trafficking was implemented in national law by 6667 numbered Code on 30/01/2016 (Yenidunya A., 2020).

In this section, we will be covering these Articles which apply an anti-trafficking approach to counter human trafficking acts in order to analyze Turkey's implementation of anti-trafficking law on the legal level. In Chapter 1 International Offenses of the Turkish Penal Code, Part 2 stipulates Migrant Smuggling and Human Trafficking, in accordance, Article 79 and Article 80 prescribe the penalties for related criminal acts (CoE, 2016). Since migrant smuggling may involve the criminal acts of human trafficking, it has been added to the scope of anti-trafficking law analyses, the reason is that the international roots of these crimes use migrant smuggling to transfer their victims through international borders. Migrant Smuggling in Article 79 stipulates the crime as follows (CoE, 2016);

1. *Any person who, by illegal means and with the purpose of obtaining, directly or indirectly, a material gain:*
 - a) *enables a non citizen to enter, or remain in, the country, or*
 - b) *enables a Turkish citizen or a non citizen to go abroad,*
shall be sentenced to a penalty of imprisonment for a term of three to eight years and a judicial fine of up to ten thousand days. (Sentence Added on 22 July 2010 – By Article 6 of the Law no. 6008) where the offence remains as an incomplete attempt, the penalty shall be imposed as if completed.
2. *(Paragraph Added on 22 July 2010 – By Article 6 of the Law no. 6008) The penalty to be imposed shall be increased by a half to two-third where it:*
 - a) *constitutes a danger to the lives of the victims,*
 - b) *subjects the victims to degrading treatment.*
3. *Where the offence is committed in the course of the activities of a criminal organization, the penalty to be imposed shall be increased by one half.*

Human Trafficking Article has regulated later under the Article 80 of the Turkish Criminal Code in 2016 under Law No.5560 by 3rd Article and it prohibits both sex and labor trafficking, moreover, prescribes penalties as follows (Presidency of Migration Management, n.d.);

1. *Persons who provide, kidnap or shelter or transfer a person (s) from one place to another unlawfully and by force, threat or violence or misconduct of power or by executing acts of enticement or taking advantage of control power on helpless persons in order to force them to work or serve for others or to send them away where he is treated almost like a slave, are sentenced to imprisonment from eight years to twelve years and punished with punitive fine up to ten thousand days.*

2. *In case of execution of acts which constitute offense in the definition of first subsection and having the purposes listed in the first paragraph, the consent of the victim is considered void.*
3. *In case of kidnapping, providing, sheltering or transfer of a person(s) who is under the age of eighteen for the purposes stated in the first paragraph, the offender is subject to the punishments indicated in the first paragraph even if he did not execute the acts causing offense.*
4. *Security precautions are applied for the legal entities committing such offenses.*

There are couple more Articles in the Turkish Criminal Code which are in accordance with human trafficking crime. The other criminal acts which can have common sense, need to be addressed here both because of their complexity and comprehensiveness. For instance, sexual exploitation for the purposes of forced prostitution and forced beggary are in the scope of the human trafficking crime act and the criminalization of these acts is significant to mention as well. Article 227 of the Turkish Penal Code regulates prostitution, prohibits the facilitation of child prostitution and prescribes penalties as follows (CoE, 2016);

1. *Any person who encourages a child to become a prostitute, facilitates a child becoming such or supplies or accommodates a child for such purpose, or acts as an intermediary for the prostitution of a child, shall be sentenced to a penalty of imprisonment for a term of four to ten years and judicial fine up to five thousand days. Preparatory acts and activities for commission of this offence shall be punished as a completed offence.*
2. *Any person who encourages another to become a prostitute or who facilitates or acts as an intermediary for such or who provides an environment for such purpose shall be sentenced to a penalty of imprisonment for a term of two to four years and a judicial fine up to three thousand days. Earning a living, totally or partially, from the proceeds of prostitution shall be presumed to be an encouragement to prostitution.*
3. *(Abolished on 6/12/2006 - By Article 45 of the Law no. 5560)*
4. *The penalty to be imposed according to the aforementioned paragraphs shall be increased by one half to two folds where a person is encouraged to engage in acts of prostitution or secures an individual to engage in prostitution through the use of threat, violence, deceit, or by taking advantage of another's desperation.*

5. *The penalty to be imposed according to aforementioned paragraphs shall be increased by one half where the offence is committed by a spouse, direct-antecedents, direct antecedents-in-law, sibling, adopting parent, guardian, trainer, educator, nurse or any other person responsible for the protection and supervision of a person; or by a public officer or employee who misuses the influence derived from their positions.*
6. *The penalty to be imposed according to aforementioned paragraphs shall be increased by one half where the offence is committed within the framework of the activities of a criminal organisation.*
7. *Legal entities shall be subject to security measures for involvement in these offences.*
8. *Any person who has been forced into prostitution may be given treatment or psychological therapy.*

Article 227 stipulates a victim-oriented approach and in this aspect, any person who reported as a prostitute or sex worker would not be punished. In the Turkish Law system, they are to be assumed as the victims of sexual exploitation, therefore, their perpetrators are to be punished by this regulation and in accordance with forced prostitution, it has also been included in the scope of human trafficking with an amendment to the Criminal Code.

Article 229 of the Turkish Penal Code regulates the punishment for those who are using children or people for beggary purposes. and it is detailed as follows (CoE, 2016);

1. *Any person who uses a child or person with physical or mental impairments as a means for begging shall be sentenced to a penalty of imprisonment for a term of one to three years.*
2. *The penalty to be imposed shall be increased by one half, where the offence is committed by blood relatives or in-laws including third degree or a spouse.*
3. *The penalty to be imposed shall be increased by one fold where the offence is committed within the framework of the activities of a criminal organisation.*

Besides forced labor and sexual exploitation, forced beggary can be visible more because they have to act in society. Most of the time, children and people who lack corporal or spiritual ability, are to be used in beggary by the perpetrators. The cases that have been reported in Turkey show different approaches in the sense that children or people are used by perpetrators for beggary because of their constructed vulnerability and the other cases show

that they choose to beg on the streets because they need to seek survival needs. Therefore, it is a complex issue to solve by only adding amendments because the application of public policies are also essential.

The Law on Foreigners and International Protection (LFIP) drafted by the Ministry of Interior and it was adopted in the General Assembly of the Parliament on April 2013, numbered as Law No. 6458 (Presidency of Migration Management of Turkey, n.d.). The approval of the LFIP provided a legal definition of human trafficking and established grounds for victims' eligibility for a special type of residence permit with an exemptional renewal option. The roles of the Department of Protection of Victims of Human Trafficking and the Directorate General of Migration Management are regulated under the LFIP in order to provide legal protection for the victims of human trafficking. Within the scope of the provision, Articles 30, 48, 49, 55, 108 and 123 are related in terms of combating THB and protection of the victims⁷ (Ibid).

Within the scope of the provision, the victims of human trafficking, have right to stay in Turkey after their identification period for their recovery procedure according to the Law on Foreigners and International Protection Law No. 6458 (2016) and residence permit types regulated under the Article 30 permits as follows;

- a) *short-term residence permit;*
- b) *family residence permit;*
- c) *student residence permit;*
- d) *long-term residence permit;*
- e) *humanitarian residence permit;*
- f) *victim of human trafficking residence permit*

The specification regarding to the residence permits for victims of human trafficking regulated under the Article 48 of the Law No. 6458 (2016) as follows;

1. *A residence permit valid for thirty days shall be granted, by the governorates, to foreigners who are victims of human trafficking or where there is strong circumstantial evidence that they might be victims with a view to allow them to break from the impact of their [negative] experience and reflect on whether to cooperate with the competent authorities.*

⁷ The list of the Articles of LFIP Law No. 6458 (2016) were taken from Presidency of Migration Management of Turkey (n.d.). Available at; <https://en.goc.gov.tr/turkey%E2%80%99s-fight-against-human-trafficking>

2. *Conditions attached to other types of residence permits shall not be sought while issuing these residence permits.*

Renewal and cancelation of residence permits for victims of human trafficking regulated under the Article 49 of the Law No. 6458 (2016) as follows;

1. *The residence permit granted to allow for recovery and reflection may be renewed for six months periods for reasons of safety, health or special circumstances of the victim. However, the total duration shall not exceed three years under any circumstances whatsoever.*
2. *The residence permit shall be cancelled in cases where it is determined that foreigners who are victims of trafficking or might be victims of human trafficking have re-connected with the perpetrators of the crime through their own volition.*

Regarding the providing protection after the identification, the Article 55 of the Law No. 6458 (2016) regulated as follows;

- (1) *Regardless of whether they fall under the scope of Article 54 of this Law, a removal decision shall not be issued against those:*
 - a) *for whom there are serious indications that he or she will be subjected to the death penalty, torture, cruel or degrading treatment or punishment in the country to which they will be deported,*
 - b) *who face risks in case of travel due to reasons of serious health problems, age and pregnancy,*
 - c) *who cannot receive treatment in the country to which he or she will be expelled while treatment for the life-threatening health problem is continuing,*
 - ç) *who are victims of human trafficking benefitting from victim support processes,*
 - d) *who are victims of psychological, physical or sexual violence until their treatment is completed.*
- (2) *Evaluations concerning foreigners who fall under the first paragraph shall be made on an individual basis. These persons may be subject to administrative obligations such as residence in a designated address and reporting to authorities in the form and intervals requested.*

ç) Victims of human trafficking benefiting from victim support process

The adoption of the new operations is obliged under the Article 108 of the Law No. 6458 (2016) as follows;

1. *Service units of the Presidency and their duties are as follows:*
 - c. *Department of the Protection of Victims of Human Trafficking;*
 1. *To execute work and procedures on fight against human trafficking and protection of the victims,*
 2. *To execute projects on fight against human trafficking and protection of the victims,*
 3. *To establish, operate or outsource the operation of help lines for victims of human trafficking,*
 4. *To carry out other duties assigned by the General Director.*

Under the scope of the Passport Law No. 5682 of Turkey has been regulated in terms of expanding the scope for the victims of human trafficking and it is regulated under the Article 123 as follows (Presidency of Migration Management of Turkey, n.d.);

(1) the expression “to the citizens and foreigners” included under article 34 of Passport Law No. 5682 of 15.7.1950 has been amended as “to the citizens”.

(2) Following subparagraphs have been inserted to the first paragraph of article 88 of Duties Law No. 492 of 2.7.1964 .

“f) Those holding long-term residence permits,

g) Victims of human trafficking crime.”

Until the adaption of the Law on Combatting Human Trafficking and Protection of Victims, the Turkish authorities adopted the Regulation on Combatting Human Trafficking and Protection of Victims which entered into force in March 2016 in order to provide legal ground in combating trafficking in human beings. The Directorate General for Migration Management (DGMM) has sent the “Implementing Regulation for Fighting against Human Trafficking” of the Ministry of Interior to the governorates in 81 provinces to avoid any implementation problems in dealing with the cases (Ministry of Foreign Affairs of Turkey, n.d.). Thus, it can be said that the Republic of Turkey took into account the most important and the most related Conventions into its national legislation in order to keep in cooperation on international level to combat human trafficking in a more effective way. However, the

analysis of the cases allows this study to illustrate the implementation or structural gaps within the articles which will be addressed on the case bases in the following chapter.

Chapter 5: The phenomenon of Syrian women in Turkey

This chapter will be illustrating Turkey and the society's role in the creation of the phenomenon of Syrian women and young girls which is based on gender-based approach. Syrian nationals were on the agenda since their first arrival to Turkey and the political complexity of the issue combined with other dimensions such as economy and social level. More than half of Syrian nationals were women and girls and this helped to emergence of a gender-based discourse about them with the patriarchal society structure of Turkey. The concerns of Turkish citizens and desperate conditions of Syrian women and young girls constructed by the impact of the conservative society structure. The discourses about Syrian women and girls evolved to some stereotypes that is doubled their challenge on various living matter which have an impact also in the construction of the vulnerability. There was no need for a long time in order to create such discourses because of their dependency to the aids or support since the beginning of their journey to Turkey.

This chapter will address these gender-based discourses in terms of more practical level which developed some stereotypes about Syrian women and girls. The creation of such phenomena eventually affected the situation which led them to be marginalized based on their gender, social, economic, cultural and ethnic status by the discourse created within Turkish society. The marginalization started to make them be isolated in a new society and avoided them to be integrated with the host community. The integration problems brought follow-up challenges for Syrian women and girls, and therefore, developed the stereotypes about them and created a new phenomenon. These conditions increased their dependency on aids or relatively stronger persons such cases ended up with couple marriage types which has a significant role on the grounds for their exploitation.

In the beginning of the migration flow from Syria to Turkey, Syrian nationals were mostly living in the rural areas in South Turkey for two main reasons. The first reason is that the border of Republic of Turkey and Syrian Arab Republic cross there and the second reason is that refugee camps of Syrian migrant people built in that area since it is the closest place due to the emergency needs. In Turkey, rural areas have a mostly conservative society structure and since the first arrival of the Syrians to the rural areas of Turkey, therefore, happenstance emerged as the creation of the stereotypes. Turkish people had already some ideas about Syrian people since they are sharing the same religion, which is muslimhood and

thanks to this ideology President Erdogan created a discourse by calling them as religious brothers (also *guests*) with an invitation to Turkish borders helped to develop such stereotypes.

The basic discourse and stereotypes that govern the refugee crisis in Turkey for Syrian women and young girls are highly sexualized because of the gender-based approach. For instance, polygamic family structures and child marriages started to be seen as fair based on the stereotypes about Syrian women and young girls. The reason is that polygamy and marriages at young ages were not a new phenomenon for Syrian people, for instance, polygamy is legal under certain conditions according to Syrian Personal Status Law (Mousa D., 2018) and 13 percent of Syrian women aged 20 to 25 were married before the age of 18 before the Syrian Civil War (Høvring R., 2019). These facts prepared such grounds for the creation of stereotypes about them in a gendered perspective.

In patriarchal social structure, women are considered in a secondary position because of the dominancy of men over women. In these kind of society structures, there is already gender based approach problem that can help to construct such stereotypes about women, that is the reason, Syrian women and girls face additional challenges both as a woman and migrant in Turkey. This kind of structure is increasing the exerted dominance and the level of pressure over them instead of applying developments of their rights. The stigmatization of Syrian migrant women and young girls is driven by their *foreign* image creating additional challenges. The foreign image of Syrian women and young girls is constructed from “Natasha” terminology that refers to women prostitutes of former Soviet Union countries in Turkey (Coşkun E., 2014). Thus, the foreign image of Syrian women and young girls is eroticized in a patriarchal society that refers to they can do anything in exchange for money because they seem vulnerable to all types of exploitation that leads to trafficking in human beings.

Buz (2006: 24) argues that the main causes of sexual and gender-based violence are the attitudes and practices that are based on gender-based discrimination, and that behave women as having lower or secondary social status comparing to men. The level of pressure towards Syrian women because of the created discourses or stereotypes usually result with the violence or the exploitation. The normalization of violence and discrimination avoids them to be integrated into the society because the created phenomenon pictured them as females who are disempowered (CTDC, n.d.). The phenomenon of Syrian women and young girls is built upon gender and cultural based stereotypes in Turkey. The patriarchal and conservative

society structure developed such phenomenon where Syrian women and young girls are discouraged for their empowerment that helped to construct their vulnerability conditions towards any types of exploitation and even to trafficking in human beings.

5.1 The exploitation of vulnerability of Syrian women

The exploitation of Syrian women and young girls is incompatible with human dignity simply because the subject is human body and especially if they are to be identified as belonging to vulnerable groups, the case is even more inhumane because they are exploited in accordance with their needs. The desperation of their conditions in various aspects can make them identified as belonging to vulnerable groups and their vulnerability condition may encourage perpetrators in order to exploit them to make profit from them in terms of exploitation and human trafficking.

Syrian women and young girls are particularly prone to waves of radicalization taking place among the refugee population especially in the areas where the Turkish communities are conservative. The poverty and the conservative mindset provides fertile soil for the exploitation of Syrian migrants by radical groups who are offering them support and usually lead to their exploitation because they are offering low conditions including conditional marriage types. The exploitation of Syrian women in Turkey mostly recorded in the cases of sexual exploitation because of the created gender dimensions about women body.

Anecdotal shreds of evidence show that Syrian women and young girls are usually being exploited for prostitution, sex in exchange for rent or other demands, and other in-kind transactions such as forced labor (Global Initiative, 2015). In cases of the sexual exploitation, it is often forced by their partners who are married them with the false promises which guarantees better life conditions or promises to save their family. Syrian women and young girls believe in promises because of their vulnerable conditions which makes them hope to believe in better life conditions, for instance, they might be trying to save their family, children or they might be unaccompanied and suffer from poverty.

Syrian women are accepting fraudulent job offers such as working in hair salons, modeling, entertainment sector and domestic work of house cleaning or baby sitting, where they experience long working hours, low wages, and poor working conditions. Moreover,

Syrian children continue to engage in street begging, working informally in service sector usually where they experience low working conditions (US Department of State, 2021). In Turkey, the desperation of the economic conditions derives Syrian parents to sell their daughters, thinking that the husband will help the family financially. Syrian girls who are younger than 18 years old often volunteer in arranged marriages with the hope that the money will ensure protection for their families. These promises make Syrian girls believe in the fact that it is the only solution in which they can save their family. This is causing polygamy and early ages marriages and creating other grounds for their exploitation of their vulnerability. Families, women or young girls are choosing these kinds of conditions because of their vulnerability condition that is constructed by poverty and their exploitation in these kinds of situations often result in their sexual exploitation forced by their partners (Stoter B., 2015).

In a social level, Syrian women are getting to be identified as exotic beauties in order to make them seem sexually attractive for the purposes of sex trafficking. There are also stereotypes about marriage types such as polygamy is legal in Syria and it is assumed that they are used to be second or third wives to someone and even though polygamy is not legal in Turkey, they get marry on religious level by swearing on Qur-an which does not have any legal equivalence. In accordance with the marriages, the issue with the child marriages gained importance as well as religious marriages of Syrian women since the child marriage is not a new phenomenon in Syria, Turkish society assumed that young girls can get married soon as their period start because it is the sign of being woman according to muslimhood.

Unlike Syria, polygamic marriage structure and marriage at young ages (before 18 years old) are outlawed in Turkey (Nawa & Sebzeci, 2016) and they cannot get married legally as a second wives, therefore, this opens a door where there is a high risk of exploitation because they do not have any legal recognition in order to be protected when they face forms of violence. In these cases, Syrian women often accepts to be second or third wives in order to have survival needs such as food and shelter or to save their children, however, the exploitation mostly recorded in these cases because they are becoming the victims of human trafficking by their partners who make them believe into false promises.

The exploited Syrian women face also desparate conditions of violence. Domestic, physical and sexual violence against women cases were already high in Turkey because of various patriarchal reasons before the arrival of Syrian women and girls as migrants. In accordance, after the emergence of the refugee crisis, there has been a recorded significant increase in the intensification of violence against women. Syrian women or young girls who

become the victim of any type of violence, cannot seek help or break their silence because of the fear and the stereotypes, in our case Turkey, those women are described as fallen women who have failed in the feminine role because of the victim blaming ideology.

The violence against women phenomenon is created based on victim blaming environment due to the reasons Syrian women and girls' vulnerable condition. This is creating such an environment where any type of violence against women is to be normalized. The normalization of the any type of violence, including stereotypes, avoids their empowerment and therefore it is doubling their existing trauma and increasing the vulnerability. The main reasons for Syrian women and girls' exploitations are driven from poverty, racial or gender based discrimination, unemployment, under-education, lack of support or political and economic instability. In other words, the construction of their vulnerability condition leads their way to perpetrators because of their dependency over others.

5.2 The demand of Syrian migrant women trafficking in Turkey

Karakus and McGarrell (2012) examined trafficking in human beings as a transnational crime with a particular focus on the demand side of human trafficking and the findings reveal that the demand for illegal services of human trafficking markets, fed by the social disorganization that can exist in any society, is one of the main reasons for trafficking in migrant women in Republic of Turkey. There is no agreed definition for the term of “demand” or “demand for human trafficking”, however, social conditions of a society may clarify what is driven to this way. The demand in human trafficking usually refers to the crime act that is exploitative which breach the human rights and dignity of the related person whose expected to deliver the forced services.

Even though, the demand side of trafficking in human beings is not addressed enough in literature, in our case, the demand of trafficking in migrant women can be understood with a particular focus on patriarchal structure. The social disorganization or disorder can be explained by inequality where there is the gender based distinctions between women and men, in the case of Turkey, which helped to create patriarchal society structure with the dominancy of men. The exploitation of Syrian women and young girls in terms of sex trafficking and prostitution has been driven by the patriarchal demand of particularly in sex trafficking

(Zhidkova, T. and Demir, O.O. 2016). The demand of the women exploitation reminds us the human trafficking link that “it is usually women who are trafficked for the purposes of men’s sexual gratification” (Outshoorn, 2005) because in patriarchal structure women usually seem a servant to men in any sense, in this case sexually.

The prostitution and sex trafficking phenomenon has deep cultural roots in terms of Turkish sex culture. The reason is that sexual intercourse before marriage is considered unacceptable according to the traditions and the rules of Muslimhood. According to the Qur-an, this approach should be applicable to both women and men without any distinction, however, the patriarchal impact has driven this into unequal one as well, in this male-dominated approach, Turkish women are expected to protect their virginity as symbolizing their purity until the legal or religious marriage because it seems immoral while the sexual appetite of Turkish men is seen as a natural thing biologically and the existence of prostitution is inevitable because of such created phenomenon (Ayata et al., 2008).

Turkish NGOs have collected women’s testimonies, which are translated from Arabic to Turkish, such as the following statement given by a 27-year-old Syrian woman who lives in a refugee camp, arrived in Turkey two years ago with her husband and children:

“We were living a camp with my husband. I was working as a cleaner with one of my Syrian friends. She took me away to a field and she started to take off her clothes. I was scared. At that moment; a soldier’s car stopped in front of us and asked us ‘What are you doing?’. I started to cry. He said the other soldiers ‘go’, called me and took my identity card and started to say ‘Your eyes are beautiful.’ Then he threatened me: ‘I take possession of (Turkish ‘genel’) your identity card. If you report this, I could say you are a prostitute and they send you to Syria again.’ I was scared and didn’t say anything to anybody. He called me the next day in order to give my identity card. Then he took away me to a house and raped me. After that day, he threatened me again. He wanted me to have sexual intercourse with his friends too. Due to the fact that I was afraid of my husband, I didn’t speak. Whenever my husband asked questions about me, I said I was sick. It continued for 20 days. My psychological problems started and I attempted suicide. At last, I reported the event, but no one took action. I told everything to the authorities, but they only sent me to another camp.”(Mert Y., 2016).

The perpetrators include refugee camp staff, soldiers, border officers and migration officers who are there to provide protection in accordance with the emergency. Moreover, they are not trained well enough in migration law and other relevant protection policies which is resulting as the violation of women who are exploited because they cannot receive appropriate support in accordance with their need.

The demand of the exploitation of Syrian women and girls, is raising in accordance with the lack of protection because it is encouraging perpetrators in a way that there will not be applied law enforcement. Especially the areas where Syrian women and young girls live densely is more under danger, Batman Bar Women's Rights Commission Member Lawyer Secil Erpolat once stated that:

“...prostitution sector has been formed and Syrian refugees are abused in this sector. According to the information we got from the prosecution, girls are forced into prostitution in exchange for 20-25 TL (6-8 Euros based on the average currency change in 2016). In some cases they don't give any money; instead they give food or any other helping material.” (Mert Y., 2016).

In this way, Syrian women and young girls are exploited sexually in exchange of their minimum needs based on the demand of the men dominancy. As a non-governmental organization (NGO) representative interviewed by Bespinar and Celik (2009: 7) puts the demand of the sexual exploitation in the following words; *“there is a demand in this land ... The man requests it. It is the biological desire, sexual hunger, societal suppression of sexuality, inclination to changes and polygamy ... that drive the demand”*. Besides these words from the interview, public discussions show that prostitutions are highly criticised for the claims such as they are destroying the family structure or damaging the social morality, however, there is persistent demand of migrant women in Turkey because of their foreign image, also because they are eroticized by the Turkish society because it is assumed that they can do anything for money.

The fact that prostitution is not illegal may drive such encouragement in terms of creating brothels or victimizing Syrian women individually and forced into prostitution. The THB side of prostitution is of course penalized under Article 227 of the Turkish Criminal Code (See Chapter 4.3) and it is entirely victim-oriented, however, the lack of field investigation is increasing the encouragement and the demand side of THB. Moreover, the perpetrators are penalized and the people who identified as clients can be witnesses during the

court procedure. This study agrees to question also the demand side of the THB and the rules should be set based on the elimination of the demand in illegal places in combating THB because it would be much practical initiative to protect Syrian women and young girls who are victimized because there is a demand.

The patriarchal society structure of Turkey subordinate women to men with the combination of the societal attitudes to sexuality is preparing the ground for the demand of prostitution by involving migrant women. According to the US Department of State report conducted in 2022 in terms of prevention of the exploitation, the government of Turkey did not make efforts to combat the demand of the commercial sex acts, and the lack of policy is leaving them vulnerable to exploitation (US Department, 2022). The demand for migrant women phenomenon is not acknowledged in policy making process of Turkey in combating human trafficking.

The demand side of migrant women trafficking is not only restricted to prostitution or sex trafficking but also a fact for polygamic family structures, child marriages and forced labor. Although polygamy is not legal in Turkey, men who belong to patriarchal groups, are seeking to have second or third wives in order to benefit from both sexual and domestic work, therefore, it reflects to demand category. The seek for second or third wives also includes young girls who are under 18 years old, in other words, it includes child marriages. The demand for Syrian women and girls trafficking in cases of polygamy and child marriages is driven by the stereotypes created by Turkish society, for instance, polygamy is legal in the Syrian Arab Republic and it is assumed in Turkish society mindset as Syrian women are used to it, or child marriages are applicable in the Syrian Arab Republic when they are 13 years old with judicial consent and same logic of polygamy also applies to these cases.

Child marriage or child sex trafficking are another phenomenon that reflects men's demand because young girls usually do not volunteer to get married at early ages simply because they are children before 18 and in cases when they volunteer is because of their constructed vulnerability to save their life or family that older men seek to exploit both for sexually and domestic work. For instance, the demand for Syrian women and girls trafficking in cases of polygamy and child marriages is driven by the stereotypes created by Turkish society, for instance, polygamy is legal in the Syrian Arab Republic and it is assumed in Turkish society mindset as Syrian women are used to it, or child marriages are applicable in the Syrian Arab Republic when they are 13 years old with judicial consent and same logic of polygamy also applies to these cases. The demand of young girls' trafficking can be driven by

accountability because the seekers would be encouraged by the fact that they would not be penalized when they act on such crimes.

The encouraging act for the creation of demand for trafficked migrant women would be the lack of protection policies of the state itself. For instance, uprisings and protests occurred surrounding in Turkey against the proposal of a bill about the consideration of postponing the sentences of child sex offenders if they get married to their victims in 2017. The bill was withdrawn in response to the uprisings, however, the government once again announced their similar new plans to be introduced in January 2020 (ECPAT, 2020). Although the bill was withdrawn, even the consideration of such an act is humiliating and against the dignity of children.

Forced labor is also another victimizing condition for migrant women in terms of human trafficking because perpetrators may force them to work in exchange for nothing. The exploitation of labor force can be also the case for migrant children, because perpetrators may exploit them in this way in exchange of nothing or minimum needs such as daily food. In such cases, migrant women or children could be also exploited by employers who usually seek to pay less with longer working hours and they usually exploit migrant women or children who belong to vulnerable conditions because they might be in urgent need and they would accept the conditions in accordance. In practise, it is usually difficult to differentiate between the people who is seeking to work and those are forced to because the employer or the consumer would not realise the fact that the person is working for exploitative purposes of the perpetrators (Karakus Ö, & Garrel E 2012).

The combination of stereotypes, patriachal society structure, and vulnerability conditions become the part of the demand side of the human trafficking, in our case, Syrian women and young girls trafficking in the cases of sex trafficking, young girls trafficking, women labor force exploitation are the result of social conformity of men dominance. The literature is lacking to address the demand side of human trafficking, however, it should be considered the fact that perpetrators have the motivation to victimize people and benefit from them. It is significant to discourage the demand as well as apply anti-trafficking policies. Destination states, in our case Republic of Turkey, needs to consider what makes Syrian women and young girls attractive into human trafficking and apply relevant policies.

5.3 The shelters for women victims of trafficking created by the Turkish government and NGOs

In Turkey, law enforcement actors are responsible for identifying victims of human trafficking regardless of their gender. The Article 28 of the Regulation of Struggling Human Trafficking and the Protection of Victims ensures the victim support services. For instance, if the victim does not want to stay in a local shelter, s/he remains at the state repatriation center provided by the police, and/or if the victim decides to seek legal protection in terms of accommodation at a local shelter, Circular 74⁸ grants her/him with the free access to the safe shelter, health services and legal assistance. The protection measurements continues regardless of whether the victim would be sending to the shelter or not, however, the process begins right after the identification and the national NGOs which provides shelters deal with the victims who have legally granted access to accomodation and legal assistance. The Article 28 of the Regulation on Combating Human Trafficking and Protection of Victims regulated the detection of victims of human trafficking and a victim support program is provided under this scope.

Turkish Government has two main initiatives in terms of providing services for victims of THB and these are the programs namely Victim Support Program and Voluntary and Safe Return Program. The Victim Support Program basically provides a treatment period by firstly proceeding with the legal procedures to grant six month humanitarian visa and short-term residence permit which is specifically granted for the victims of THB. This visa type can be extented based on the conditions and needs. During the period of stay, the state provides shelter, health services, guidance on access to education, vocational training in terms of support to access in labor market, consultancy services, translation services etc. The Voluntary and Safe Return program is provided for victims who volunteer to return his/her country and it is ensured in a safe way in cooperation with the law enforcement agencies, , counterpart agencies in source countries, International Organization for Migration (IOM), and local NGOs.

In accordance, Turkish Government has put into service the 157 helpline in cooperation with IOM for victims of human trafficking in order to make the seeking help

⁸ Circular 74 is a comprehensive document that covers a variety of subjects regarding the combating human trafficking.

procedure more accessible and more effective in a practical sense. Since Turkey has a multi-national society and victims are generalised with the arrival of Syrian women and young girls, the service is given in several languages in order to create more cooperative initiative and also because the aimed protection begins with the reporting of the cases.

Under the institutional framework, Turkish Government works in cooperation with state institutions and NGOs in order to provide protection for victims of human trafficking as taking into account the main pillars of the Palermo Protocol. The main state organs who are engaged with these implementations named as following, the Ministry of Interior, The Directorate General for Migration Management (DGMM), Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Social Security, Ministry of Family and Social Policies, The Ministry of Family, Labor, and Social Services (MoFLSS), Ministry of Health in cooperation with their related provincial directorates such as Directorate General of Child Protection Services and Directorate General for Women's Status.

The Law on Foreigners and International Protection enacted in April 2013 provided the basis for the establishment of the Directorate General for Migration Management (DGMM) as an institution within the Ministry of Internal Affairs and the Department for Protection of Victims of Trafficking established as one of the 12 units of the DGMM (ICMPD, 2013). The DGMM is responsible for combating human trafficking, provide protection of victims including sheltering and legal assistancy, implementing projects and policies related to fight against human trafficking and setting up operating or outsourcing the operation helplines for victims. One of the first initiatives for the establishment of shelters for trafficked people was led by the chairmanship of the Turkish Ministry of Foreign Affairs thanks to the National Action Plans adopted in 2003 (completed in 2006) and 2008. The National Action Plans named under the establishment of a National Task Force on Combating Trafficking in Human Beings comprise the basis of protection, prevention, prosecution and cooperation as the main pillars of combating human trafficking (ICMPD, 2013).

During the implementation process of the National Action plans, three shelters were established for trafficked women, no appropriate shelter available for men, in the main cities of Turkey, Istanbul (2004), Ankara (2005), and later in Antalya (2009). It was discovered that almost all the identified victims are holding foreign identity and most of the time foreign trafficking victims hosted in said NGOs shelters. These three shelters are under the cooperation of the three main national non-governmental organization as the partners of the Ministry of Interior, named as following, the Human Resource Development Foundation

(HRDF) in Istanbul, the Foundation for Women's Solidarity (FWS) in Ankara and Antalya Family Counsellors Association (AFCA) in Antalya. All three of them are providing 24/7 service with the health and legal support (ICMPD, 2013).

Turkish Government has opened women shelters in İstanbul, Ankara and, adequately funded the government (Ministry of Foreign Affairs of Turkey, n.d.). Currently, DGMM operates these three specialized shelters for victims of trafficking and prepare the establishment of the fourth shelter. The shelter in Kırıkkale had the capacity to accommodate 20 victims, the Ankara shelter has the capacity to accommodate 30 victims, and the Aydın shelter has the capacity to accommodate 40 victims. The Ministry of Family, Labor, and Social Services (MoFLSS) operates 145 shelters that provides accommodation and support for child victims of violence, including child trafficking victims. MOFLSS had appointed specialized staff to monitor refugee camps surrounded in Turkey in order to screen camp residents for indicators of trafficking. Both the DGMM and MOFLSS required victims to be escorted when they are leaving the shelters and if they are voluntarily leaving, it is allowed once the security officials deemed conditions safe for them (US Department of State, 2021).

The local government of the shelter cities dispersed very limited amount of money in order to provide financial support. For instance, based on the average US Dollars currency change in 2021, the local government of Kirikkale dispersed 100 lira (\$13) per month for the adult victims who were staying in the local shelter and victims received additional 100 lira (\$13) for each of their children. The picture in Ankara Shelter is not so different, the local government dispersed 300 lira (\$40) for adult victims and 50 lira (\$7) for each of their children. During the COVID-19 period, the government trained shelter staff on pandemic restrictions in order to protect their health and provided COVID-19 tests, personal protective equipment (PPE) to victims who are staying at the shelters. Even though these initiatives have taken with a cooperation mindset in order to provide support and protection, the minimum standards could not be met in these areas due to lack of financial and implementation impacts (US Department of State, 2021).

Beside the establishment of shelters funded by the Turkish Government, other independent NGOs such as Mor Çatı Women's Shelter Foundation, has operated 3 separate shelters up until today. In 1990, the Mor Çatı Women's Shelter Foundation was established in order to continue consultations with women to combat violence against them and sex trafficking (Mor Çatı Women's Shelter Foundation, 2022). Their shelters have been served and provided support over 1000 women and children regardless of their nation. The only

active independent women's shelter in Turkey opened by Mor Çatı in 2009, the 18-bed-capacity Mor Çatı shelter has been in operation for over the last decade with funding provided by the Istanbul Şişli Municipality and volunteer public donators (Ibid).

Although Turkish Government took initiatives in terms of creation of the women's victim shelters with the adoption of the previous NAPs, the development of these places were stopped. The few places in couple of cities in Turkey is not enough to provide adequate protection for the victims because the numbers of the identified victims times and times more than the capacities of the government shelters. The NGOs shelters are even more restricted than the government ones. Although there is high needs that can be seen by the victims numbers, the adoption of the 4th NAP showed that Turkey does not plan to take new initiatives in the following years as well in terms of developing the capacities of the existing shelters besides even creating new ones because there was no any assessment or recommendation regarding the women's shelters. Moreover, instead of adoption of the developments, one of the plans contained a goal "improving the efficacy of spiritual support and religious guidance services for women in shelters" with the Directorate of Religious Affairs which is a office known for discriminatory rhetorics towards women (Mor Çatı Women's Shelter Foundation, 2021).

Pursuant to an ICMPD report that represents a summary of conducted interviews, the absence of station-type shelters -where they are supposed to stay until they are appointed to a local shelter- in main cities like Istanbul and Ankara, it was discovered that the procedure is consuming and does not satisfy their needs. Instead of providing urgent support, the lack of implementation causes the repetition of traumas of victims. The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) reported the concerns regarding to the limited accommodation capacity of the shelters for victims of human trafficking and the lack of staff training based on THB. The report urged the Turkish Government to provide better accommodation options in terms of safety and the capacity. Moreover, it is addressing the concerns regarding the refoolment of the victims because the majority of the victims return back to their country of origin after the identification procedure is completed without benefiting from the 30-day recovery period and in this way, victims do not have the possibility to take part in their investigation and court trials procedure (CoE, 2019). This study assumes that there is the rise in return cases because there is no enough shelters.

Final conclusions and discussion

This final part of the study will conclude the study matter by summarising the key aspects of the research-based findings followed by the research aims achievements and answers to the research questions. This part will give the value of the research as well as the contributions thereof to propose opportunities for future research in related areas. The subject of the study is multi-dimensional because the construction of the vulnerability of Syrian women has its impacts on facilitation of the human trafficking which is also a multi-faceted problem. The adaptation of the critical approach as the main methodology of the study helped to develop findings and outcomes in terms of comparison of the studies in the international and national framework, literature, and state policy implementations. This final part of the study seeks to disclose and discuss how the combination of the actual implications of this political, economic, and legal environment in every aspect did develop vulnerability in multiple ways that facilitate victimizing of Syrian women and also young girls for THB in Turkey.

The main aim of this study is to provide a perspective that shows the fact that migrant Syrian women who are victimized by THB are targeted based on their status, gender, or other factors that would specify their specific identity. This aim evolved with the current situation that made Turkey the host for the highest migrant population who seek asylum, mostly Syrian nationals, half of them women and children. The scope of the study bordered around Syrian women and young girls whose status was built by a systematic lack of government support that prepared grounds for the construction of the vulnerability condition. The aim and the scope of the study raised a couple of questions such as how the vulnerability is constructed for Syrian women and young girls, what are the implications of Turkey and its society in terms of the construction of those vulnerability types, and how the vulnerability condition facilitates to make Syrian women and young girls victimized by the criminal act of THB in Turkey. These will be explained under each vulnerability type combined with the THB types, and the implications of Turkey and its society.

The multi-faceted problematic side of human trafficking led the study to be a victim-oriented perspective to show how Syrian women and young girls are targeted regarding the reasons for the construction of their vulnerability condition. The findings showed that the

construction of the vulnerability is structured based on various endogenous and exogenous aspects that took into consideration for reasoning their victimization in THB. Although Turkey took into account the Palermo Protocol provisions in terms of protection, prevention, and cooperation as the main pillars, however, it has been observed that their constructed victimization in THB is also a result of a shift in migrant profile from the former Soviet Union to Syrian women migrants in Turkey simply because Syrian women and young girls' numbers were getting higher and becoming relatively easy targets to be deceived. THB is a kind of criminal activity that has transnational roots acted by international criminal groups, which makes Turkey's location unique to use for those acts.

The full involvement of the Republic of Turkey in the Syrian migration matter is laid on the fact application of the open-door policy for the neighboring country which is encouraged and financially supported by the European Union. Turkey granted temporary protection status for Syrian nationals because of the geographic limitations and this status brought up a political name for them which they are called "guests" in Turkey. Although Turkey tried to create a peaceful environment by politicizing Turkish hospitality with this rhetoric, this simple naming turned out to be one of the main grounds of political discussions, stereotypes within society, xenophobia, and discrimination. The financial support of the European Union was directly going to projects specified for the empowerment of Syrian nationals, however, the complexity of the issue within the country could not be solved by a certain amount of financial support. Over the last decade, the fluctuations in the Turkish lira, foreign debts, COVID-19, and raise in unemployment started raising some doubts within Turkish society about receiving high numbers of Syrian nationals because Turkey would not be enough to handle the upcoming migration crisis financially. Furthermore, the involvement of Turkey in the Syrian Civil War as an international actor on a military basis to protect its border security completed its full involvement in this matter.

Over the two last decades, Turkey has adopted considerable efforts in terms of adoption of international human rights frameworks into its national legislation in terms of combating violence against women and THB. The creation DGMM office, adoption of fieldwork projects, ratification of the Istanbul Convention, and adoption of National Action Plans were huge steps in terms of providing protections for Syrian women and young girls who are the victims of human trafficking. However, it has been observed that there is a significant backlash in terms of lacking implementation of those adopted legislation and policies. The withdrawal decision from the Istanbul Convention and the failure of the 4th

NAP was not carrying the best interests of the victim-oriented perspective and developed a lack of systematic support for the protection of Syrian women and young girls. The combination of the aforementioned involvement aspects in addition to Turkey's internal problems in terms of its economy, politics, and military had an impact on the neglecting of Syrian women and young girls' human rights which has a significant place in the construction of the vulnerability.

The very first assumptions were made from the questions of which aspects can identify a person as vulnerable or what aspects can make a group suffer from the vulnerability condition. This study assumed that a person cannot be identified as vulnerable but can suffer from the vulnerability condition because the environment creates for them to be identified as. Thus, the violation of the human rights of Syrian women and young girls in Turkey is the main reason for the construction of the vulnerability. The complex atmosphere in Turkey caused such violations because attention was not given fully to the arrival of Syrian nationals. However, the responsibility was taken by welcoming them and they should have enjoyed their rights in their country of refuge. For instance, the consideration of amnesty attempts in GBV and child rape, some revisions to the Turkish legislation, and withdrawal from the Istanbul Convention are considered contrary to its international obligations. The United Nations Special Rapporteur Reem Alsalem observed during the official visit to Turkey that even though Turkey has taken significant initiatives by recognizing new laws and policies, there are considerable implementation gaps in terms of trafficking and violence against women and girls. It has been reported that the Turkish Criminal Code does not specifically define or criminalize all types of violence against women as crimes, therefore, there is a need for compatibility and harmonization of the Turkish Criminal Code with international human rights standards (Alsalem R., 2022).

It would not be convenient to say that all Syrian nationals, especially women and young girls are suffering from vulnerability because of a lack of legal protection and policies, however, the fact is that they are more likely to face challenges for the following outcomes that will be addressed. Syrian women and young girls have similar identical aspects such as their gender, legal status, and social status, and these identifications make them to be belonging to a specific group. It has been shown in this study that those belonging to specific groups refer that they are also more likely to suffer from similar challenges which involve the construction of their vulnerability. This study developed the vulnerability under its aspects such as personal vulnerability, typical vulnerability, and atypical vulnerability. Along with the

consideration of vulnerability types in order to analyze the cases based on their uniqueness, intersectionality has been considered under the same scope to develop the reasons for the vulnerability condition because this concept connects all the oppression in terms of violence against women.

The personal vulnerability of Syrian women and young girls in Turkey appears from individuals and characteristics of their status or identical aspects. It is the result of endogenous factors that result in the identification of personal vulnerability. In Turkey, their personal vulnerability grew in the sense that they could not fulfill their empowerment because of discrimination or stereotypes based on their gender and nationality. Syrian women and young girls are coming from a patriarchal structured society and the country that they file is not different as well, therefore, the cultural prejudices avoid them to be integrated into society and this is affecting them endogenously. Personal vulnerability is more likely the condition of feeling the impacts of physical and mental challenges and those who are relatively more fragile are eventually affected. In personal vulnerability cases, the THB has a significant connection because perpetrators usually search for people who are mentally down and fragile because they seem more likely to be deceived by their false promises. Syrian women and young girls should be empowered in this sense they should be educated, not given a certain amount of time of support instead. Their physical and mental challenges victimize them in THB because they seem neglected, and most importantly they seem in a need or earning the basic needs, therefore, this is making them simply a target for THB.

It has been observed that the construction of personal vulnerability mostly victimizes Syrian women and young girls in marriage cases and there are a couple of examples that this study has undertaken as one of the most seen victimizations in THB. For instance, young-age-marriages, forced marriages, arranged fake marriages or illegal polygamic marriages mostly victimize Syrian women and young girls in THB by their partners. In these cases, the study found out that they are usually exploited for domestic work or their partners forced them into prostitution in exchange for money to pay the rent or etc. These are the cases of THB because their partners deceived them with false promises and since their constructed vulnerability seem them there was no better option, they easily believe in these promises. Thus, their personal growth and empowerment have a significant place in terms of saving their life permanently.

The Republic of Turkey adopted some initiatives in terms of personal empowerment of Syrian women and young girls by opening free Turkish language courses inside the camps,

and moreover, the initiatives were taken in combating THB specifically for victimization in marriages, and forced prostitution. For instance, unless there is no permission from the parents, young girls cannot get married. Unlike in Syria, a polygamic marriage structure is forbidden in Turkey. Religious marriages cannot be held before legal marriages. Prostitution is regulated under the Turkish Penal Code which is regulated as victim-oriented. However, since Syrian parents are usually in need of money and since they are familiar with young-age, religious marriages, or polygamic marriages, they do give permission for their daughters to get married. Moreover, the stereotypes about Syrian women and young girls that they are used to having these kinds of marriage structures drive the demand in the patriarchal structure of Turkish society. In some cases, Syrian women and young girls volunteer in arranged marriages because they hope to support their families financially. Although the related regulations are adopted by Turkey, the real-life needs drive them to search for solutions in these ways, therefore, women become an open target in THB.

Turkish Government and NGOs need to engage more with religious figures who apply these marriages in exchange for money and adopt new regulations in terms of discouraging in order to avoid these acts. These kinds of engagements would also discourage people who demand to arrange those kinds of marriage acts. The study has also addressed a gap in terms of prostitution regulation because it is not illegal to act this in registered brothels and it may encourage the demand side of THB. Furthermore, besides the illegal ones, there are registered forty brothels surrounded in Turkey, which possibly have forced prostitution acts inside because there are not even registered numbers of sex workers. In comparison, the Turkish Government and one NGO opened five shelters in total for victims of THB which have twenty people capacity in it. Thus, the gap is identified as the lack of balance that should be provided in terms of protection measurement because this kind of lack of support in implementation develops the vulnerability deeper.

The typical vulnerability is unlike the personal one, it is more likely to suffer from exogenous factors. This is identical for Syrian women and young girls because their socioeconomic conditions have appeared as another aspect of their challenge besides the personal obstacles. The de facto impacts have been recorded in their case because their condition is affected by cultural and immigrant xenophobia which avoid them to be empowered in the host community. The SES identification resulted in them being unemployed because their qualifications were not equivalent, they were without documents or they do not have enough Turkish language knowledge. In other cases, they could not find jobs

because of the stereotypes that saying Syrian people migrated to steal Turkish people's jobs or Syrian women migrated to steal Turkish husbands, and these stereotypes appeared as another obstacle to finding a job in addition to the qualifications. Thus, this has made them dependent on somebody else or the government's support. The situation of being dependent avoids empowerment, therefore it somehow connects with personal vulnerability as well and the point here is that Syrian women and young girls would be trained by providing more accessible free language classes, or getting their skills recognized because this way can empower them to earn their own life. This is a constructed vulnerability in the sense that it appears as lacking structural support. It is not the issue that their skills are not enough, it is the issue of the chance is not given to them to build a normal living condition.

The construction of the typical vulnerability victimize Syrian women and young girls in THB mostly in the cases of forced labor because in this type of vulnerability they are more open to being deceived by the false promises of working in normal conditions because of their SES. Syrian women are mostly seen in the textile or beauty saloon sector, working for so long and paid much less than the normal wage and this is just one of those examples of labor exploitation. This aspect also developed such stereotypes saying that Syrian people are working for less wages and this would decrease Turkish people's normal earnings because of the alternativity, the employers would demand in this way. In Syrian young girls cases, they have become child laborers and/or have been forced to beg in the streets. Syrian women have the right to work in Turkey but they need to wait until they get the residence permit and this takes a couple of months at a cost. Thus, the feeling that they are in urgent need to solve their unemployed situation to earn their livelihood and look after their cared ones, makes them accept some conditions like marriages or labor force and it usually ends up in their exploitation or THB.

In accordance, Turkey has ratified the ILO Conventions and the CRC in terms of adopting them into its national legislation to provide better protection together with the Palermo Protocol in combating THB in forced labor types. Besides criminalizing THB in the Turkish Penal Code in terms of the labor force, the Turkish Government works together with the Ministry of Labour and Social Security in order to combat it. For instance, the study highlighted the fact that it is challenging to identify victims in crowded workplaces such as in the textile sector because they may seem legally working and the background picture would be the opposite, meaning they might be the victims of THB. In this specific case, it is becoming the victims' responsibility to seek help, however, they are usually scared of

perpetrators and unsure about the protection standards due to refolement possibility. In this aspect, the Turkish Government needs to be more cooperative with NGOs in terms of the implementation of its policies because these kinds of cases need more fieldwork, and monitoring the action plans is determinative in terms of combating THB in the labor force.

The construction of atypical vulnerability allowed this study to examine the vulnerability on a legal level because this vulnerability type refers to de jure impacts that are not equal before the law. Although Turkey has taken significant legal steps in terms of adopting multiple international human rights treaties to protect migrant women's human rights in general, there were implementation gaps in terms of equality and discrimination. The main reason is that most of the legal officers are not trained enough to have knowledge of the specific cases of Syrian women and young girls, especially, a significant lack of knowledge recorded in the cases of THB. There were some projects which were financed by the European Union to train state officials in terms of legal protection for the victims of THB, however, the projects had some limits because they were held in a couple of cities in Turkey. It should have needed to be considered Turkey as a vast country that has a history of THB and hosts the highest number of Syrian nationals.

Syrian women and young girls need stability in a legal sense, in order words, the temporary conditions including being under temporary protection status make them feel insecure about their future because they need to search for permanent solutions outside of Turkey but most importantly they feel insecure in terms of legal protection and aforementioned examples are the grounds for these aspects. The withdrawal decision of Turkey from the Istanbul Convention made those feelings justified because it was the most comprehensive document in terms of protection of women's human rights. After the withdrawal decision, there has been observed an increase in cases of violence against women, the study assumed that this kind of withdrawal decision increased the encouragement of those criminal acts. Moreover, the consideration of an amnesty attempt for the cases of perpetrators in child rape in case they would marry their victims, lead to a dilemma where the protection provisions are at risk. The atypical vulnerability is constructed for Syrian women and young girls in this matter because they do not feel protected, they do not know if the state will stand for them to protect them.

The last aspect of the vulnerability is covered under intersectionality and it allowed the study to combine the overall vulnerability conditions in THB thanks to its unique consideration towards including every oppression. Intersectionality allowed this study to

cover the variety of the cases that Syrian women and young girls are exposed to because the construction of their vulnerability in terms of personally, typically, and atypically have different aspects which lead to mental health, social aspects, or legal provisions. Gender-based stereotypes, discrimination based on gender and nationality, violence, xenophobia, or class distinction based on SES meet under the roof of intersectionality and that is why it would not be convenient if it would not taken into account under this study. The traditional norms in combating THB are relatively ineffective, just like the traditional single-axis of the international human rights provisions. Thus, Turkey needs to adopt intersectionality in terms of combating THB so that the variety of real-life cases would end up in a protected solution instead of focusing on one-oriented negativity.

Until recent years, Turkey took significant initiatives to combat THB, however, there has been observed a significant backlash in terms of the decision-making process instead of developing the protection measurements. The latest NAP of Turkey was released on the same day of withdrawal from the Istanbul Convention in 2021 and was disappointing in terms of the protection of women's human rights because the scope of the plans was narrow. The 4th NAP was not transparent because there was no mention of previous NAPs' success and failures, the recent data regarding violence against women belong to 2014, and any of the latest recommendations of GREVIO and CEDAW did not take place. The action plans need to adopt intersectionality as the main principle in order to provide comprehensive protection and prevention standards. These recent developments do not improve the measurements per se, unfortunately, it would increase the vulnerability condition of Syrian women and young girls, developing to the demand side of THB and encouraging the perpetrators.

Overall, as the output of this study, it can be said that the gender-based approach is also the fact of the generalization in the victimization of Syrian women and young girls in THB because it has been observed that they are mostly victimized for sexual exploitation. This output is divided into two main determinations which also have a role in the construction of the vulnerability. From the societal perspective, gender-based victimization is the result of the patriarchal social structure, demand, stereotypes, and discrimination. From the legal perspective, it is the result of the systematic lack of protection, prevention, and cooperation in reducing gender-based violence and THB. The Republic of Turkey needs to adopt more sustainable solutions in terms of combating THB and providing protections for Syrian women and young girls victims. Although there are significant initiatives were taken into account, there are needs to be done without a doubt as the host for the highest migrant population.

The limitations of the study did not allow it to conduct direct interviews with the Syrian women and young girls victims, however, the comparison of the international and national studies allowed the study to be comprehensive in terms of analyzing the aims from different perspectives. The limitations on national-based analysis were limited by researcher bias, however, the application of the critical approach developed the study in terms of adopting different perspectives. The study pointed out gaps in the literature, especially regarding the demand side of sexual exploitation, which can be analyzed in further studies. Particularly, patriarchal-Muslim societies set limitations on the sexual aspect of individuals because religion dictates that women must be pure and their virginity preserved and this aspect affects sexual relationships outside marriage, which is limited. In this social-cultural setting, since migrant women are not considered part of the society, their foreign image facilitates and feeds the demand side of sexual exploitation because there is a lack (or weakening) of a foundation on which is based on the religious belief of chastity aforementioned.

To conclude, the victimization of Syrian women and young girls in Turkey for THB is the result of multiple factors that have a relation with state policies, the roots of the THB, society structure, and in accordance with the constructed vulnerability conditions. Summarising, the brutal impacts of the Syrian Civil War, the declining support of the Turkish government over time or the change in political approach, and the patriarchal social structure have a relation with those factors in terms of the victimization of Syrian women and young girls. The most characteristic result is gender-based victimization specifically targeting females who seem relatively fragile because the findings of the study showed that Syrian women and young girls are mostly victimized by sexual exploitation in multiple ways. Turkey's cooperative approach in terms of protection and prevention in combating THB is more needed than before instead of backlashes, the developments of adopting international instruments into national ones should be more applicable because this can be one of the way of discouraging the THB criminal activities.

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