

Committee of the Parties  
to the Council of Europe Convention  
on Action against Trafficking in Human Beings

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**Report submitted by the Georgian authorities  
on measures taken to comply with  
Committee of the Parties Recommendation CP(2012)5  
on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

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## **Georgian authorities' responses to the List of GRETA's proposals concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia**

The Georgian authorities wish to thank the Group of Experts on Action against Trafficking in Human Beings (*hereinafter – GRETA*) for the provided recommendations. Government of Georgia has the honor to submit the present document addressing the recommendations contained in the report of GRETA and reflecting the THB related developments in Georgia since the release of the GRETA Report on February 7, 2012. At the moment of finalizing of these responses, a number of THB countering activities have been already accomplished, while some of them are still in the process of implementation.

### **Core concepts and definitions**

*1. GRETA considers that the Georgian authorities must ensure that no additional conditions of damage or loss and in particular no evidence of such damage or loss are required from a person who has been subjected to trafficking in human beings (THB) in order to qualify as a victim of trafficking under the Anti-Trafficking Law and to benefit from the protection measures provided for in this law.*

The provisions of Criminal Code of Georgia and/or the procedures set up for the Permanent Group for Identification of Victims (*hereinafter – Permanent Group*) of the Council on Combating Trafficking in Human Beings (*hereinafter – THB Council*) are employed in the process of identification of a victim of trafficking in human beings. No prove of damage is required by either of the procedures. The definition as provided in the Criminal Code is the guideline for both situations. As the definition in the Criminal Code does not link the damage incurred to the status and provides that the actions, including recruitment, etc. *for the purpose of exploitation* constitute the crime of trafficking in human beings, this provision has always been used in practice when asserting the status of a person as a victim of trafficking in human beings.

Law on Combating Trafficking in Human Beings (*hereinafter – THB Law*) differentiates status of victim of trafficking and status of statutory victim of trafficking. The status of victim of trafficking is granted to the person by Permanent Group of THB Council, while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia (CPC) (Article 56).

The procedure of granting the status of victim of trafficking by Permanent Group is regulated under the Law on Combating Trafficking in Human Beings (Article 11). Permanent Group is authorized entity for examining and granting the status of victim of trafficking to a person within the 48 hours.

This difference doesn't exclude the right of victim of trafficking or statutory victim of trafficking to cooperate with law enforcement authorities in investigating and/or prosecuting of THB crimes. Person who is granted the status of victim of trafficking by the Permanent Group, is also authorized to cooperate with law enforcement agencies. The difference is only in the procedure of granting the status. There is no difference between their rights during the process of investigation and/or prosecution.

Also it should be noted that victim of trafficking has the right to receive the state protection and assistance from the very moment of identification as a victim of trafficking till the full rehabilitation and re-socialization, and even if he/she refuses to cooperate with investigatory bodies.

Both victims of trafficking and statutory victims of trafficking receive similar legal and other types of assistance from the Government of Georgia.

### **Comprehensive approach, co-ordination and international co-operation**

*2. GRETA urges the Georgian authorities to step up their efforts aimed at ensuring that national action to combat THB is comprehensive, in particular by:*

*- paying increased attention to prevention and protection measures among vulnerable groups, such as internally displaced persons (IDPs);*

Government of Georgia considers public awareness raising campaigns on trafficking as one of the essential preventing measures among vulnerable groups such as, internally displaced persons. For the effective implementation of the preventive measures, THB Council elaborated Common Information Strategy on combating human trafficking with specially identified vulnerable target groups, regions and implementation means. IDPs are considered as one of the focus groups of the Strategy. The strategy was approved by THB Council on February 12, 2014. It should be underlined that such information strategy and action plan is quite unique in our region.

Within the framework of the Strategy, information meetings with different target groups such as pupils (430), students (110), street children (30), minorities, IDPs and rural population (725) were organized in Tbilisi, Telavi, Gurjaani, Kvareli, Batumi, Kutaisi, Gori, Rustavi, Zugdidi, Marneuli, Ozurgeti, Tkibuli, Geguti, Sagarejo, Poti, Tsalenjikha, Senaki, Kobuleti, Gonio, Borjomi, Akhaltsikhe, Poka, Sartichala, Shorapani, Tskaltubo, Mestia, Becho, Martvili, Gomi, Rusi, Chokhatauri, Ozurgeti, Lanchkhuti. As mentioned above the meetings are regularly attended by IDPs and possible migrants.

In addition, in 2012-2014 TV and radio shows and advertisements are frequently devoted to THB issues on central and regional TV stations:

The video clips created by the State Fund on the issue of human trafficking were broadcasted in the following TV companies and radios in 2012.

- a) Public Broadcaster;
- b) Second Channel;
- c) Adjara Television;
- d) Public Radio;

The video clips were broadcasted during four months.

- In February 2012, a TV programme „Life is Beautiful” was dedicated to the topic of human trafficking and to the protection and referral mechanisms of victims. Among the participants was a representative of the State Fund, as well as persons with the status of victims of human trafficking who had received services of the State Fund.

- In March 2012, the program “Our Morning” was dedicated to the topic of human trafficking and a State Fund representative participated in it, as a guest.
- In July 2012, radio program “Green Wave” was dedicated to the topic of human trafficking, where the means and methods of avoiding human trafficking were discussed in the popular language for population.
- The hotline banners, created for the purpose of prevention, were set up in Tbilisi, Batumi and Marneuli. The same kinds of stickers were put on some buses and minibuses.

The following activities were carried out in 2013:

#### **Television programs and video clips.**

- Reports on State Fund activities were prepared on the following TV channels: Imedi TV - program “Morning Show”, Public Broadcaster – program - „Our Morning”.
- Imedi TV program “Imedi Afternoon” was dedicated to the topics of human trafficking, protection of victims and referral mechanisms. Among the participants was a representative of the State Fund, as well as persons with the status of victims of human trafficking who had received services of the State Fund.
- TV company “Rustavi 2” program „Other Afternoon” was dedicated to the topic of human trafficking and representatives of the Ministry of Justice, Ministry of Interior and a State Fund participated in it
- Informative video clips, on human trafficking issue, were prepared by the State Fund, which was aired on the following TV companies:
  - a) Public Broadcaster;
  - b) Second Channel;
  - c) Adjara Television;
  - d) regional televisions;

The video clips were broadcasted during four months.

- Programs were prepared in radios: „Green Wave”, „Public Broadcaster Radio”, „Radio Palitra”, radio „MED FM”. The main topics of the programs were human trafficking and services of the State Fund.
- The article of the State Fund’s director, regarding sexual exploitation issue, was published in the newspaper „All News”. Articles about human trafficking were also published in the Tsalka journal “Gza”.
- Besides, almost every high-rated TV channels and print media prepared special reports and articles on the issue of human trafficking and the services of the State Fund.

The following activities were carried out in 2014:

#### **TV programs and video clips:**

- In March 2014, the video clips created by the State Fund on the topics of human trafficking were broadcasted in the following TV companies and radios.
  - a) Public Broadcaster
  - b) Adjara Television

The video clips were broadcasted for three months.

- In February 2014, Imedi TV program “Panorama” was dedicated to the topic „No to the Trafficking". The representatives of the Ministry of Justice, the Ministry of Interior and the State Fund participated in the program.
- In April 2014, public broadcaster program „Teleblog" was dedicated to the topic of human trafficking. A State Fund’s representative participated in the program.
- TV companies “Maestro”, “Imedi”, “Public Broadcaster” prepared special reports on the issue of human trafficking.
- An article was published in the newspaper “Rezonansi”, concerning annual report of the USA State Department, regarding the fighting against human trafficking. The respondent was the director of State Fund Marina Meskhi.
- An article was published on the issue of human trafficking in the newspaper “Gza". The respondent was the director of the State Fund Marina Meskhi.
- The State Fund’s representatives participated in the program of Public Radio “Migration Routes”. The main topic of the program was the human trafficking and illegal migration.

Furthermore, the authorities arrange information meetings and round tables with different target groups (students, pupils, rural and regional population) in all regions of Georgia to discuss on human trafficking. Information leaflets on Georgian and other languages (English, Turkish, Russian, Armenian, Azeri) are largely disseminated in big cities and rural areas, at state borders, airports and consular units.

The special activities targeted at increasing awareness of high risk groups including of IDPs, is also planned under the THB action plan for 2015-2016 which was adopted by the THB Council on 14 November 2014.

*- paying increased attention to prevention and protection measures addressing the particular vulnerability to trafficking of children, in particular those without parents and IDPs;*

Within the framework of the common information strategy, adopted by THB Council on February 12, 2013 increased efforts have been undertaken in order to inform children regarding the threats and protective measures of THB. Information meetings with pupils (430) and so called “street children” (30) took place in different villages and towns of Georgia. The meetings are regularly attended by IDP children.

Within the framework of the Strategy number of activities is already implemented:

- On February 5, 2014 Training of Trainers on THB was organized for students of different regions and various Universities. 12 students participated in training. The students were trained on THB issues in order to disseminate trafficking related information among pupils. The training was organized by Secretariat of THB Council (MOJ), LEPL Training Center of Justice, IOM, NGO Migration Center and LEPL Center for Crime Prevention of Ministry of Justice of Georgia;
- In February 2014 training was held for school students in different big cities. THB related trainings were organized within the project of “Leader House”<sup>1</sup> in close cooperation with

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<sup>1</sup> “Leader House” is implemented by LEPL Center for Crime Prevention of MOJ

THB Council, Public Service Hall of MOJ, NGO Migration Center and Training Center of Justice:

- On February 8, 2014, 19 pupils from Tbilisi school attended the training;
- On February 15, 2014 17 school students participated in trainings in Rustavi;
- On February 15, 2014, 25 pupils attended THB trainings in Kutaisi;
- On February 23, 2014, 20 pupils attended THB trainings in Gurjaani;
- On February 23, 2014, 25 pupils from different schools of Telavi participated in THB training;
- On February 23, 2014, 17 school students attended the THB training in Batumi
- In February – March, 2014, students trained by THB Council trained over 330 pupils in different schools in Batumi, Kutaisi, Geguti, Tkibuli and Tbilisi;
- On March - May, 2014, Ministry of Justice of Georgia in close cooperation with EU Delegation to Georgia, LEPL Training Center of Justice, LEPL State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking in Persons, Public Defender's Office and Georgian Young Lawyers Association and NGO Civil Development Agency (CIDA) organized Moot Court Competition on Human Trafficking. Information was disseminated through webpages of MOJ (<http://www.justice.gov.ge/Ministry/Department/364>), Training Center of Justice (<http://tcj.gov.ge/?p=1252>) and Universities. Also, information posters were disseminated in Tbilisi and regional universities. 40 students from different universities throughout Georgia (Tbilisi, Gori, Kutaisi) participated in competition;
- On March 22, 2014 THB training was held in Tbilisi, Ministry of Justice. 20 school students participated in the training. The training was organized by MOJ;
- On March 27, 2014, THB public lecture was held in Tbilisi, Ministry of Justice of Georgia. 35 students from different universities attended the lecture, which was organized by THB Council in collaboration with the European Law Students' Association (ELSA) Georgia.

Apart from this State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking frequently conducts information meetings with different target groups:

- In February 2012, the State Fund took part in five-day meeting dedicated to children referral issues, with social workers' association and other participant organizations of child referral system. A State Fund representative participated in the training "Education of the Same-Age Peers", regarding services for victims of human trafficking and referral mechanisms, organized by International Organization for Migration.
- In March and October of 2012, a meeting was held for the consuls and representatives of consular departments, regarding the assistance of existing and potential victims of human trafficking, as well as the essence of human trafficking crime and the methods combating the above-mentioned crime.
- In May 2012, a training "Identification and Assistance of Potential Victims" was held for employees of Georgian Ministry of Foreign Affairs as well as employees of Georgian Embassies and Representations.
- A seminar, regarding the court practice and the methods of combating the crime, was held for judges, with joint efforts of the High School of Justice, the State Fund and the International Organization for Migration. In April, 2012, a meeting was held with prosecutors, regarding combating human trafficking.
- In April, 2013, a meeting was held for the consuls and representatives of consular departments, regarding the assistance of existing and potential victims of human trafficking, as well as the essence of human trafficking crime and the methods combating

the above-mentioned crime. In 20-21 September, 2013, a seminar regarding the court practice and the methods of combating human trafficking was held for judges, with joint efforts of the High School of Justice, the State Fund and the International Organization for Migration. A State Fund representative took part in the training, held for the participants of the project „Camp of the Educated Same-age Peers for the prevention of human trafficking". The State Fund representative introduced referral mechanisms and services of the State Fund (for the (statutory) victims of the human trafficking) to the participant students.

- A regional conference “Deepening of the knowledge about the threats of the human trafficking” in Azerbaijan, Georgia and Armenia” was held in Tbilisi, 5-6 December, with the support of Swiss Agency for Development and Cooperation and International Organization for Migration. The State Fund representatives participated in the conference.
- A social worker of the shelter for the victims of human trafficking (structural unit of the State Fund) participated in two-day training organized by NGO “Partnerships for Human Rights”. The topic of the training was violence against women with disabilities.
- The State Fund regularly holds meetings with students in institutions of higher education for the purpose of preventing human trafficking and popularization of State Fund services

Common information strategy stresses importance on informing street children regarding the threats of THB. Furthermore Georgian authorities place special importance on the prevention of trafficking among this group through the special programs aiming envelopment of street children in formal education system. The special Working Group composed of the representatives of Ministry of Justice and Ministry of Labor Health and Social Assistance was established. Mobile Groups composed of the social workers, psychologists and former “street children” systematically meet with street children and inform them with different means about THB issues. In March 2014, 3 information meetings were held between Secretariat of THB Council and Mobile Groups working. The Mobile Groups were informed about the threats of trafficking and protective measures. They were equipped with relevant information and materials (leaflets, videos) related to THB which are periodically disseminating through “street children” by Mobile Groups. On March 22, THB training was held in Tbilisi, Ministry of Justice. 20 school students participated in the training. The training was organized by MOJ; New Action Plan for 2015-2016 (adopted on 14 November 2014) provides special activities in order to increase prevention measures among children working and living in the streets as well as for children without parents.

Additionally Government of Georgia prioritizes prevention of trafficking through enhancement of education in secondary and high schools. Fighting against trafficking as well as other types of violence is duly reflected in all subject-based programs of the social science subjects of the 2011-2016 national curriculum: civic education, history, geography. Therefore, the mentioned topic is included in the textbooks compiled in accordance with the abovementioned programs. Particularly:

- IX grade textbook includes the following topics: The essence of the person, free will and decisions, Human Rights and Responsibilities. A separate chapter is devoted to human trafficking in its various forms.

- For the X grade, there are two different textbooks on “Civic Education”. Both textbooks contain topics, such as: the citizen and law, the human dignity, children’s rights, rights and liberties, human trafficking risk groups, risk of falling victim of human trafficking, etc.

When it come to the protection of child victims of human trafficking it should be noted that the child victims or children accompanied to victims placed at shelters of State Fund are provided by different services in order to ensure their well being and provide proper education through the special programs. The specific services provided are:

- a) a safe place to live, suitable for normal existence;
- b) nutrition and clothes;
- c) participation in the programs of integration into families and society;
- d) support minors to access to formal and non formal education;
- e) all the other activities that promote beneficiaries’ complete development, the beneficiaries’ personal data and shelter coordinates are kept confidential;
- f) other measures defined by the legislation of Georgia.

Also it should be noted that Pursuant to the recommendations of GRETA in April 2012 the Government of Georgia amended the Law on Combating against Trafficking and added a new chapter to the Law on child victims of trafficking in persons, including individual risk assessment on the basis of the child’s best interests. Within the current set up of the State Fund system in Georgia not only children who are victims of THB but also children accompanying their parents who had been trafficked are entitled and when such a need arises, receive the appropriate accommodation, age specific education and support programs tailored to the needs of the child. With this amendments Georgian legislation fully regulates issues regarding children in trafficking in line with international standards.

In 2013, one minor victim and one dependent minor were provided with services by the State Fund, the number was 2 in 2014, and both were dependent minors.

Furthermore criminal code of Georgia establishes special procedures in the cases when the minor is victim or witness that also covers crimes of THB. According to these rules juvenile must be examined in the presence of his/her legal representative, or psychologist. If a juvenile is a witness or victim of sexual exploitation and sexual violence his/her examinations may be audio/video recorded with subsequent demonstration in a court session. A witness under the age of 14 years shall be told about his/her duty to tell only the truth, but shall not be warned about criminal liability for refusing to testify, giving false and substantially contradictory testimony. If a juvenile is a witness or victim of sexual exploitation and sexual violence the quantity of his/her examinations shall be minimized as possible and shall be determined only by necessities of the criminal procedure.

According to the Guidelines for the Law Enforcements on the Investigation and Prosecution of Trafficking Cases and Treatment with Victims and Statutory Victims of Trafficking in Persons, that was adopted by THB Council on February 12, 2014, the law enforcement must take special measures while interrogating the minors, in order to provide best protection to the child and to take into account their vulnerability.



Special measures are contained in the draft Special Operative Procedures, by THB council, to be undertaken by the investigators and operatives while interviewing the possible minor victim of THB. Namely, they are recommended to take into account the specific conditions relevant for identification of child victims.

*- increasing efforts to prevent and detect THB taking place within Georgia;*

As it was mentioned above, one of the effective and important measures for the prevention of human trafficking is awareness raising campaign. In this regard, information meetings with different target groups such as pupils (430), students (110), street children (30), minorities, IDPs and rural population (725) were organized in Tbilisi, Telavi, Gurjaani, Kvareli, Batumi, Kutaisi, Gori, Rustavi, Zugdidi, Marneuli, Ozurgeti, Tkibuli, Geguti, Sagarejo, Poti, Tsalenjikha, Senaki, Kobuleti, Gonio, Borjomi, Akhaltsikhe, Poka, Sartichala, Shorapani, Tskaltubo, Mestia, Becho, Martvili, Gomi, Rusi, Chokhatauri, Ozurgeti, Lanchkhuti. During the meetings issues related to THB taking place within the Georgia as well as international THB are covered. The meetings were organized within the framework of Common Information Strategy by THB Council in close cooperation with IOM, NGO Migration Center, NGO Civil Development Agency (CIDA).

In addition, TV and radio shows and advertisements are frequently devoted to THB issues on central and regional TV stations. Furthermore, the authorities arrange information meetings and round tables with different target groups (students, pupils, rural and regional population) in all regions of Georgia to discuss on human trafficking. Information leaflets on Georgian and other languages (English, Turkish, Russian, Armenian, Azeri) are largely disseminating in big cities and rural areas, at state borders, airports and consular units.

In addition, moot court competition on Trafficking in Human Beings for students was organized by THB Council. The competition was initiated by Ministry of Justice, EU delegation to Georgia, LEPL Training Center of Justice, LEPL State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking in Persons, Public Defender's Office, Civil Development Agency (Cida) and Georgian Young Lawyers Association. 40 students from different universities throughout Georgia (Tbilisi, Gori, Kutaisi) participated in competition.

Apart from this, Government of Georgia prioritizes prevention of trafficking through enhancement of education in secondary and high schools. In this regard, issues related to human trafficking is largely covered by the national curriculum for 2011-2016 years. In this regard, issues related to domestic violence, human trafficking are largely covered subjects of social sciences – Civic Education (IX and X classes) and History (including „Our Georgia” V-VI classes, also VII, VIII, XII classes).

Georgian authorities also pay particular attention to the prevention of trafficking in the most vulnerable group of children such as “street children” through the special programs aiming envelopment of street children in formal education system. The special Working Group composed of the representatives of Ministry of Justice and Ministry of Labor Health and Social Assistance was established. Mobile Groups composed of the social workers, psychologists and former “street children” systematically meet with street children and inform them with different means about THB issues.

In order to strengthen cooperation with local NGOs and implement effective information campaign in 2012 Ministry of Justice issued 2 grants for civil society organizations. In addition, MOJ announced the Grant contest on March 27, 2014. The grant project is mainly of educational character aiming at awareness raising of the community on nature of trafficking, related threats and mechanisms combating of THB. One local NGO “Migration Center” won the grant project. Within the framework of the grant project several activities in Adjara Region were implemented by NGO “Migration Center”:

- (1) informational brochures that contained short information about trafficking, mechanisms of defending the victims of this crime, prevention of committing or becoming the victim of trafficking were created and disseminated;
- (2) On August 11, 2014 information meetings with people willing to travel and work in Turkey was organized at the Center for Civic Engagement;
- (3) Following topics were covered: Mechanisms of preventing to be the victim of trafficking, referral mechanism and rehabilitation programs of the victims of the crime. Brochures were provided to audience in order to deliver it in the territory of Turkey. Apart from the, meeting attendees received relevant information on lifestyle in Turkey and possible dangers there. An informational video was played regarding the process of crossing the border illegally and becoming the victim of trafficking;
- (4) On August 12, 2014 Street Informational Campaign was launched in the boulevard in Batumi. Materials in English and Georgian languages, created by the Center for Migration, International Organization of Migration (IOM) and CIDA, were delivered to tourists. Because of the fact of massive migration from Adjara to Turkey, another informational brochure “Migration Guidelines to Turkey” was introduced to them. At 17:00, a cultural event was conducted at Shota Rustaveli Batumi State University. Local residents, students and tourists actively participated in cultural meeting.
- (5) On August 13, at 11:00, with the participation of local residents and representatives of “Migration Center” a Flash Mob was organized in Batumi Boulevard. At 15:00, a discussion about the trafficking and migration was held. Local NGOs and youth were invited to the meeting. A Video Clip on Migration to Turkey was played during the meeting which was followed by discussion. Mainly, the topic of illegal migration of Georgians, employment based discrimination and the prevention mechanisms of trafficking were discussed.

All of the informational campaigns and special measures stresses importance on the informing the society regarding the internal as well as international forms of trafficking.

In order to detect the facts of trafficking, which occur within the Georgia (Internal trafficking), three mobile inspection groups, consisting of the representatives of law enforcement authorities, were formed and are functioning in the Division of Fight against Trafficking and Illegal Migration of the Second Main Division of the Central Criminal Police Department of the Ministry of Internal Affairs since April 2013. Each of the mobile groups is composed of two law enforcement officers, regularly operating in the high risk areas. The mobile groups also check organizations with vague job offers in Georgia and abroad. Law enforcements regularly interview Georgian nationals deported from Turkey and European countries with a view to revealing potential THB cases. New Action Plan for 2015-2016 (adopted on 14 November 2014) provides increasing of number of Mobile Groups.

Apart from this, in order to strengthen fight against trafficking, in January, 2014 special Division for Combating Human Trafficking was established in Adjara Region within the MoIA. The main functions of the division are to conduct effective investigation and implement proactive measures in order to identify THB cases through the Westside Region of Georgia. Also, the staff of division is responsible for identification of (potential) victims of trafficking in persons and to control and regularly interview deported Georgian nationals at Sarpi border crossing point 24/7.

Furthermore, on February 27, 2014 Memorandum of Understanding was signed between the Ministry of Internal Affairs, the Chief Prosecutor's Office and the International Organization for Migration on the principles of cooperation in the area of capacity building of law enforcement agencies in combating trafficking of human beings. The signatories to this memorandum will do their best to act against trafficking in persons in an effective, active, united and coordinated manner. On the base of the memorandum, the Task Force has been established in Adjara region. The Task Force, consisting of acting investigators (7) and prosecutors (5), will jointly reveal facts of trafficking primarily focused on the Adjara region. Also it should be mentioned, that the members of Task force will be regularly trained on THB issues.

With the aim of proactive identification trafficking cases, Working Group composed of prosecutors, investigators and representatives of the secretariat of the Council elaborated guidelines for law enforcements. The guidelines help investigators and prosecutors to identify THB victims and give a proper legal qualification to the case. In addition, guidelines give the proper interpretation of THB Article of Criminal Code of Georgia.

Furthermore, Working Group of THB Council has drafted the Standard Operation Procedures (S.O.P.s) for the investigators and members of the mobile groups, which will help them to identify potential THB victims and collect all relevant information related to THB case. The S.O.P.s were assessed by international expert, whose comments were reflected in the draft.

*- stepping up action to combat THB for the purpose of labour exploitation;*

Georgian legislation does not differentiate between trafficking in persons for the purpose of labor exploitation and sexual exploitation. Therefore, there does not exist different provision imposing criminal offences for forced labor. On the other hand, the Law on Combating Trafficking in Human Beings prescribes definitions of forced labor as any work or services which people are forced/ to do against their will under physical or psychological coercion, threat of some form punishment, blackmail or using vulnerable position of person. The penalties for sex trafficking and labor trafficking are the same.

Mobile groups of the Division of Fight against Trafficking and Illegal Migration of the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia detects and records trafficking risk-bearing areas, and checks and studies persons, including persons engaged in prostitution, working in organizations that has suspicious reputation. In order to proactively reveal the facts of labor trafficking, staff working in the organizations (hotels, bars night clubs, baths etc.) are interviewed permanently. The aim of the interview is to ensure, that each worker has identity cards, they exercised their right to freedom of movement, they have been receiving the full remuneration for their work, and they were engaged in work voluntarily. From April till now Mobile groups identified different institutions such as bars, baths and saunas in Tbilisi, Guria, Kakheti, Samegrelo, Kvemo Kartli, Shida Kartli, Adjara and Imereti. The mobile groups

interviewed over 400 prostitutes, including foreign citizens. Based on the questioning of prostitutes, in Tbilisi MoIA Unit for Combating Trafficking in Persons and Illegal Migration during the period of 01/01/2013-31/12/2013 launched 13 investigations for providing a venue for prostitution and resulted so far in charging 20 persons. All cases are sent to the court. During the period of 01/01/2014-25/10/2014 in Tbilisi MoIA Unit for Combating Trafficking in Persons and Illegal Migration launched 6 investigations for providing a venue for prostitution and resulted so far in charging 7 persons. All cases are sent to the court.

For the purposes of prevention, the mobile groups also identify and put on record foreign nationals involved in prostitution. The mobile groups also check organizations with vague job offers in Georgia and abroad.

Law enforcements regularly interview Georgian nationals deported from Turkey and European countries with a view to revealing potential THB cases. In 2012 1040 deported individuals were interviewed. In 2013 the number was 1524. Based on that, 7 Georgian nationals were identified as victims of forced labor in Turkey. The investigation was launched under Article 143<sup>1</sup> of the Criminal Code of Georgia (THB Article) on August 23, 2013. The Permanent Group under THB Council granted the status of THB victim to all of them in December, 2013 and January, 2014. All THB victims (7 victims) have refused services of State Fund (shelter, legal aid, medical and psychological assistance) except of the compensation. The investigation is ongoing. In 2014 total number of deported and interviewed individuals amounted 1560.

In the month of January, 2014, Division of Fight against Trafficking and Illegal Migration was formed and since then is functioning in the Division of Autonomous Republic of Adjara of the Department of Criminal Police of the Ministry of Internal Affairs. It is composed of eight detective-investigators. The main function and duty of this Division is to reveal the facts of trafficking, take preventive measures, detect organizations and persons that belong to risk-groups, identify victims of trafficking, interview citizens at Sarpi Border Crossing Point in order to reveal the facts of human trafficking possibly committed against them; to carry out operational-search and investigative activities, obtain operational information on the facts of trafficking and launch investigations into criminal cases, identify victims, help them in coordination with the state fund, identify persons, who had committed the crime or has been involved in trafficking case, detain them.

Furthermore, on February 27, 2014 Memorandum of Understanding was signed between the Ministry of Internal Affairs, the Chief Prosecutor's Office and the International Organization for Migration on the principles of cooperation in the area of capacity building of law enforcement agencies in combating trafficking of human beings. The signatories to this memorandum will do their best to act against trafficking in persons in an effective, active, united and coordinated manner. On the base of the memorandum, the Task Force has been established in Adjara region. The Task Force, consisting of 12 acting investigators (7) and prosecutors (5), will jointly reveal facts of trafficking primarily focused on the Adjara region.

Additionally, under the provisions of the Association Agenda, that is adopted in order to implement Association Agreement between EU and Georgia, labor regulations will be amended to harmonize them with international standards, same obligation is already contained in action plan on implementing Human Rights strategy, adopted by the Government of Georgia. Additionally THB new action plan for 2015-2016 (adopted on 14 November 2014) also provides measures to modify Georgian legislation to implement better labor related laws in conformity with international laws.

*- ensuring that gender issues are addressed in a gender-sensitive way, and that gender mainstreaming is reflected in all elements of Georgia's anti-trafficking policy.*

Georgian Anti-THB policy provides equal protection and opportunities to all. Gender specificities are taken into account including in shelters operated by State Fund. Georgia's Gender Equality Council is also involved in the anti-THB activities, by having the representative of the Georgia's Gender Equality Council who is at the same time the member of the Parliament of Georgia an invited member of the Anti-Trafficking in Human Beings Coordination Council. In the course of the trainings conducted for law-enforcement gender related issues are always reflected by relevant authorities.

The national human rights strategy and relevant action plan emphasis on importance of conducting state policy in different direction in gender-sensitive way. These documents foresee reflection of gender-mainstreaming in state policy. Action plan contains wide range of activities to achieve higher protection of women rights as well as it contains specific activities for advocating implementation of policy in gender sensitive way.

*3. Further, GRETA considers that the Georgian authorities should step up their efforts to ensure that national action to combat THB is comprehensive, in particular by:*

*- taking measures to detect and address the trafficking of foreign nationals to or through Georgia;*

There are several measures undertaken in order to address the trafficking of foreign national to or through Georgia:

In terms of prevention Ministry of Foreign Affairs of Georgia distributes informational brochures on the threats of trafficking, irregular migration and main human rights. In the framework of the project "Raising awareness through education on the threats of Trafficking" informational brochures (Advisory for travelers abroad) were produced in cooperation with the International Organization for Migration. The brochures contained information on subsequent consular assistance and on the threats of trafficking, along with the contact information of Diplomatic representations/Consular Units of Georgia abroad. With the Support of Consular Department of the Ministry of Foreign Affairs of Georgia the abovementioned brochures were distributed on the border-crossing points of Georgia, in the Diplomatic Representations/Consular Posts of Georgia abroad, also, in the Embassies and Consular Units to Georgia and at the Reception Hall of the Consular Department of Ministry of Foreign Affairs of Georgia. Embassies of Bulgaria, Italy, Switzerland and Lithuania have already accepted the distribution of THB brochures in the Embassies.

Additionally starting from the fourth quarter of 2013, Georgian National Tourism Administration (GNTA) in close cooperation with the International Organization for Migration (IOM) and with the support of U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), Ministry of Internal Affairs of Georgia and Atipfund Georgia have worked on anti-trafficking information flyer. The flyer explains the main essence of trafficking and provides a passage from the relevant Article of the Criminal Code of Georgia. It also warns of the treats concerning involvement in trafficking.

The flyer is available in five languages (Georgian, English, Russian, Turkish and Persian). In March 2014, 100,000 copies were printed by IOM and 50,000 copies were donated to GNTA. During the first two quarters of 2014, GNTA distributed flyers through the Tourism Information Centers of Tbilisi, Gori, Borjomi, Telavi, Akhaltsikhe, and in the airports of Tbilisi, Kutaisi and Batumi.

Between the dates of April 15 – October 15, IOM distributed 18,427 flyers through the Ajara region namely: Sarpi – including outer perimeter of Sarpi Border Crossing Point, Batumi airport, centre of Batumi, Chakvi and Kobuleti. Target group includes: tourists (both foreigners and Georgian), truck drivers, travelers in public transport (transport hubs such as railway and bus stations). In the same period, up to 5,000 copies were distributed during public information meetings of IOM’s Mobility Centre in all provinces of Georgia.

With the purpose of enhancement bilateral cooperation with foreign countries, Georgia has concluded international agreements on cooperation in the fight against crime, including THB related cooperation, with the following 22 countries: Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Egypt, Estonia, France, Hungary, Israel, Italy, Kazakhstan, Latvia, Lithuania, Malta, Moldova, Poland, Romania, Turkey, Ukraine, UK and Uzbekistan.

In the years of 2013-2014 Georgia signed two bilateral international agreements and one MoU on cooperation in the fight against crime, including issues of international police cooperation in the fight against trafficking in human beings. These documents are:

- Agreement between the Government of Georgia and the Government of the Republic of Lithuania on cooperation in the fight against crime – *signed in Vilnius on September 26, 2013*;
- Agreement between the Government of Georgia and the Government of the State of Israel on cooperation in the fight against crime and public security issues – *signed in Tbilisi on November 18, 2013*;
- Memorandum of Understanding between the Ministry of Internal Affairs of Georgia and National Crime Agency of the United Kingdom of Great Britain and Northern Ireland on cooperation in the fight against crime – *signed in London on 24 January 2014*.

#### Multilateral International Instruments

On 25<sup>th</sup> of March 2013 Georgia signed Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters. This international instrument provides for the law enforcement cooperation in such important fields of activity as are: exchange of spontaneous information, conduction of cross-border observations, controlled deliveries and covert investigations, setting up of joint investigation teams. This multilateral international instrument was ratified by the Parliament of Georgia on 4<sup>th</sup> of October 2013. Georgia deposited its instrument of ratification with the Secretary General of the Council of Europe on 10<sup>th</sup> of January 2014. Pursuant to the Article 30 (3) of the Protocol, this Protocol came into force for Georgia since 1<sup>st</sup> of May 2014.

#### National Legislation on International Law Enforcement Cooperation

In the beginning of 2013 the Ministry of Internal Affairs of Georgia elaborated the draft Law of Georgia on “International Law Enforcement Cooperation” for the realization of efficient

international cooperation in the field of prevention, detection, and suppression of crimes, including trafficking in human beings, on the basis of international treaties, principle of reciprocity and ad hoc decision made by the respective minister or deputy minister. The law was adopted by the Parliament of Georgia and signed by the President of Georgia on 4th of October 2013. This law also aims to fully implement the obligations regarding international law enforcement cooperation arising from the relevant bilateral and multilateral international treaties of Georgia, especially from Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters. EU expert mission organized within TAIEX has assessed the law as an outstanding legal document.

For detection of trafficking of foreign nationals mobile groups of the Division of Fight against Trafficking and Illegal Migration of the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia detects and records trafficking risk-bearing areas, and checks and studies persons, including persons engaged in prostitution, working in organizations that has suspicious reputation. In order to proactively reveal the facts of labor trafficking, staff, including foreign nationals working in the organizations (hotels, bars night clubs, baths etc.) are interviewed permanently. The aim of the interview is to ensure, that each worker has identity cards, they exercised their right to freedom of movement, they have been receiving the full remuneration for their work, and they were engaged in work voluntarily. From April 2013 when the groups were established Mobile Groups identified different institutions such as bars, baths and saunas in Tbilisi, Guria, Kakheti, Samegrelo, Kvemo Kartli, Shida Kartli, Adjara and Imereti.

Once the foreign potential victims are identified, victims and/or statutory victims of trafficking are also granted with reflection period of 30 days to decide whether or not they want to cooperate with law enforcements. Reflection period is calculated from the day of application of the alleged victim to a shelter or law enforcement bodies. During the reflection period a victim is exempted from the criminal liability envisaged by the Article 371 of the Criminal Code of Georgia. Also, during the reflection period foreign victims (statutory) are granted the residence permit to stay in Georgia if there is reasonable doubt that the person is victim or statutory victim of trafficking. Furthermore, a foreign victim and statutory victim of trafficking may, at his/her request, be granted asylum on the territory of Georgia if there is reasonable ground to believe that his/her life, health or personal liberty will be under threat due to return to the country of origin. In addition, foreign victims and statutory victims of human trafficking enjoy the right of work during the trial proceedings. During the reflection period, foreign victim and statutory victim of trafficking are provided with temporary residence permit by the Ministry of Justice of Georgia based on a motion of a Service Agency for the Victims of Human Trafficking (Shelter) or a body in charge of proceedings. Pursuant to the Law on Combating Trafficking in Human Beings identity-related information given in the motion constitutes confidential information disclosure of which is punishable under law.

State fund provides different services for Foreign Victims, including legal, medical, psychological assistance and shelter services, as well as compensation. One foreign victim was provided by State Fund services in 2012, the number of victims who gained such services were 4 and 3 for 2013 and 2014, respectively.

*- ensuring that anti-trafficking measures extend beyond big towns.*

Information campaigns in the framework of the Information Strategy which was adopted by THB Council in February 2014 cover small towns and villages throughout Georgia. The information meetings are conducted in village schools or community centers which are operated by Ministry of Justice of Georgia in different villages of Georgia. Within the framework of the Strategy, information meetings with different target groups such as pupils (430), students (110), street children (30), minorities, IDPs and rural population (725) were organized in Tbilisi, Telavi, Gurjaani, Kvareli, Batumi, Kutaisi, Gori, Rustavi, Zugdidi, Marneuli, Ozurgeti, Tkibuli, Geguti, Sagarejo, Poti, Tsalenjikha, Senaki, Kobuleti, Gonio, Borjomi, Akhaltsikhe, Poka, Sartichala, Shorapani, Tskaltubo, Mestia, Becho, Martvili, , Gomi, Rusi, Chokhatauri, Ozurgeti, Lanchkhuti.

Special TV and Radio programs on TV and Radio stations, that cover all parts of Georgia and are considered as most popular, are frequently dedicated to THB, namely:

- a) TV and radio shows were devoted to trafficking and the representatives from Ministry of Justice, Ministry of Interior, State Fund and IOM participated in TV shows:
  - TV program “Imedis Shuadge” was devoted to trafficking related issues, such as national referral mechanism, victim protection and assistance;
  - On July 2, 2013 TV program “Imedi’s Dghe” was devoted to trafficking related issues;
  - THB related TV recordings were broadcasted on different TV-channels: “Imedi”, “Georgian Public Broadcaster”, “II Channel” and “Adjara”:
    - On 5<sup>th</sup> of November, 2013 on TV-channel „Imedi” TV program “Day Show”;
    - On 11<sup>th</sup> of December, 2013 on TV-channel „Rustavi 2” TV program „Other Mid-day”;
    - On 16<sup>th</sup> of February, 2014 on TV-channel „Imedi” TV program „Panorama”.
  - Radio informative recordings on THB were transmitted through different radio channels: “Georgian Public Broadcaster”, Palitra” and “Mtsvane Talgha”; On 11<sup>th</sup> of November, 2013 and On February 4, 2014 in radio channel „Georgian Public Broadcaster 1” program „Migration Flows” was devoted to preventive measures of human trafficking and threats of illegal migration.
- b) Advertisements on THB are regularly broadcasted on TV-channels “Imedi”, „Georgian Public Broadcaster 1”, “Adjara” and “Maestro”;

In addition, MOJ announced the Grant contest on March 27, 2014. The grant project is mainly of educational character aiming at awareness raising of the community on nature of trafficking, related threats and mechanisms combating of THB. One local NGO “Migration Center” won the grant project. Within the framework of the grant project several activities in Adjara Region were implemented by NGO “Migration Center”:

- (1) informational brochures that contained short information about trafficking, mechanisms of defending the victims of this crime, prevention of committing or becoming the victim of trafficking were created and disseminated;
- (2) On August 11, 2014 information meetings with people willing to travel and work in Turkey was organized at the Center for Civic Engagement;
- (3) Following topics were covered: Mechanisms of preventing to be the victim of trafficking, referral mechanism and rehabilitation programs of the victims of the crime. Brochures were provided to audience in order to deliver it in the territory of Turkey. Apart from the, meeting attendees received relevant information on lifestyle in Turkey and possible dangers there. An informational video was played



regarding the process of crossing the border illegally and becoming the victim of trafficking;

- (4) On August 12, 2014 Street Informational Campaign was launched in the boulevard in Batumi. Materials in English and Georgian languages, created by the Center for Migration, International Organization of Migration (IOM) and CIDA, were delivered to tourists. Because of the fact of massive migration from Adjara to Turkey, another informational brochure “Migration Guidelines to Turkey” was introduced to them. At 17:00, a cultural event was conducted at Shota Rustaveli Batumi State University. Local residents, students and tourists actively participated in cultural meeting.
- (5) On August 13, at 11:00, with the participation of local residents and representatives of “Migration Center” a Flash Mob was organized in Batumi Boulevard. At 15:00, a discussion about the trafficking and migration was held. Local NGOs and youth were invited to the meeting. A Video Clip on Migration to Turkey was played during the meeting which was followed by discussion. Mainly, the topic of illegal migration of Georgians, employment based discrimination and the prevention mechanisms of trafficking were discussed.

As for detection mobile groups of the Division of Fight against Trafficking and Illegal Migration of the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia detects and records trafficking risk-bearing areas, and checks and studies persons, including persons engaged in prostitution, working in organizations that has suspicious reputation. In order to proactively reveal the facts of labor trafficking, staff working in the organizations (hotels, bars night clubs, baths etc.) are interviewed permanently. The aim of the interview is to ensure, that each worker has identity cards, they exercised their right to freedom of movement, they have been receiving the full remuneration for their work, and they were engaged in work voluntarily. From April till now Mobile groups identified different institutions such as bars, baths and saunas in Tbilisi, Guria, Kakheti, Samegrelo, Kvemo Kartli, Shida Kartli, Adjara and Imereti. The mobile groups also check organizations with vague job offers in Georgia and abroad.

In addition, in January, 2014 special Division for Combatting Human Trafficking was established in Adjara Region within the MoIA. The main functions of the division are to conduct effective investigation and implement proactive measures in order to identify THB cases through the Westside Region of Georgia. Also, the staff of division is responsible for identification of (potential) victims of trafficking in persons and to control and regularly interview deported Georgian nationals at Sarpi border crossing point 24/7.

Additionally in order to improve identification of THB victims and investigation and prosecution of THB cases Task Force has been established in Adjara region consisting of acting investigators (7) and prosecutors (5). The task force is focused on the Adjara region including small towns and villages. IOM regularly takes measures with the aim of increasing their capacities.

*4. While welcoming the efforts made by the Georgian authorities in the area of international co-operation against THB, GRETA considers that efforts should be intensified outside the criminal field. GRETA invites the Georgian authorities to pursue and strengthen co-operation with Turkey and other countries of destination, as well as continue exploring possibilities for international co-operation with a view to preventing and combating THB and assisting the victims of trafficking.*

Ministry of Foreign affairs of Georgia always takes on board possibility of conducting negotiations with Respective countries for exploring possibilities for international co-operation with a view to preventing and combating THB and assisting the victims of trafficking.

The Ministry of Internal Affairs of Georgia effectively cooperates with the Turkish counterparties within the frames of Joint Commission Meetings in accordance with the Agreement between the Government of Georgia and the Government of the Republic of Turkey on Cooperation in the Field of Security of 1994.

Fight against trafficking in human beings is one of the basic directions of Joint Commission's activity.

The Fourth Joint Commission Meeting between the representatives of the Ministry of Internal Affairs of Georgia and the Turkish National Police was held on 21 March 2013 in Batumi, Georgia.

During the Meeting the parties discussed joint issues on the fight against trafficking in human beings, terrorism and illicit drug traffic and signed the Minutes of Meeting, where future cooperation plans and contact information of the parties were envisaged.

From the Ministry of Internal Affairs of Georgia the Meeting was attended by high officials of Counterterrorist Center, Special Operative Department and International Relations Department. Georgian delegation was headed by the Deputy Minister of Internal Affairs and the Turkish delegation – by the Deputy General Director of Turkish National Police.

The fifth Joint Commission Meeting between the Representatives of the Ministry of Internal Affairs of Georgia and the Turkish National Police of the Ministry of Interior of the Republic of Turkey was held on 6 June 2014 in Ankara.

During the meeting Georgian Side introduced 2 Georgian Police Attaches who will work in Ankara and in Istanbul. Since July of 2014 Police Attaches are on a duty.

Turkish Delegation introduced police attaché in Georgia during the fourth Meeting in 2013 held in Batumi.

The Parties exchange the information on the new trends of organized crime and its new forms (including human trafficking), statistical data on crime and etc. They also summed up the police cooperation during the previous year and identified the recommendation for further its enhancement.

The Parties of the Meeting, among other issues, agreed to further exchange information and conduct joint investigations related to human trafficking, illicit drug traffic, terrorism, and other forms of organized crime, which will facilitate the joint actions of the Parties against the mentioned crimes.

Namely, it was agreed that the Parties, upon request or initiative, timely and directly communicate information related to possible human and drug trafficking cases. For early identification of crimes of mutual interest the parties will spontaneously communicate

information about the citizens of the state of the respective Party, who are under detention or arrested or subject to deportation as provided in the Memorandum of Understanding Between The Government of Georgia And The Government of the Republic of Turkey On Cooperation in Combating Crime, in force since 1 September 2012.

Mutual personnel exchange and training opportunities has been considered for developing efforts to prevent crime, develop combating techniques and exchange best practices. Joint Commission Meetings are held alternately in Georgia and the Republic of Turkey on a regular basis. Next Joint Commission Meeting will be held in Georgia in the first half of 2015.

In addition Government of Georgia pays particular attention to expanding international cooperation in combating cross-border trafficking. During 2012-2014 number of MLA legal requests on trafficking cases were sent to different States. Furthermore, THB perpetrator was extradited to Turkey.

For the detailed information regarding the MLA legal requests and extradition cases, please refer to Annex 2.

Action Plan for 2015-2016 (adopted on 14 November 2014) provides further development of international cooperation with partner states, especially with neighboring states, negotiations to develop transnational cooperation, as well as in order to improve mutual legal assistance in criminal matters, in cases of necessity, conducting joint investigation with the representatives of partner organizations

### **Training of relevant officials**

*5. GRETA considers that the Georgian authorities should improve the system of proactive identification of victims through more advanced training of relevant professionals.*

Reinforcing proactive identification of the victims is one of the top priorities for Georgian Government. Therefore, the current Action Plan for 2013-2014 and new Action Plan for 2015-2016 (enters into force from January 1, 2015) were drafted with the spirit of increasing measures of proactive victim identification and developing efficient tools in order to increase number of prosecutions.

All the law enforcement as well as other authorities are regularly trained in order to increase their capability in proactive identification of victims.

Patrol Police and Border guard receive specific training on detecting signs of trans-border trafficking and identification of possible trafficking victims and suspected offenders.

Fight against trafficking in persons is one of the topics in the curriculum of the Police Academy at the Ministry of Internal Affairs of Georgia. During the basic training, prospective policemen acquire skills for victim identification, conducting interviews or other procedural actions with them considering psychological sensitivities of trafficking victims, local and international legal instruments on combating trafficking, etc. Along with this, the staff of law enforcement agencies regularly participates in different trainings organized under the auspices of various international and local non-governmental organizations.

The students have access to the internet and are able to download every lecture as well as training materials via the Academy website in order to receive fullest possible information on lectures they did not attend for various reasons as well as for rehearsal purposes.

Ministry of Internal Affairs closely cooperates with the non-governmental and international organizations and due to the fruitful cooperation implements the joint projects on THB issues. As a result of such cooperation with International Organization on Migration (IOM), several trainings, study visits and seminars have been conducted for Georgian law enforcers. The trainings purpose is to deliver deep knowledge to the investigators on legal and operational level. The trainings with the involvement of the international experts are focused on the sharing of the best practice of foreign countries on combating THB and also on acknowledgment of the new trends of the crime.

Georgian law enforcements participated in different bilateral and multilateral meetings, study visits and conferences devoted to Trafficking and Illegal Migration. In addition, on December 5-6, 2013 conference regarding “Solidifying Awareness on Trafficking in Persons in Armenia, Azerbaijan and Georgia through Education” was organized by IOM. Representatives from Georgia, Azerbaijan and Armenia participated in the event.

Furthermore, on February 27, 2014 Memorandum of Understanding was signed between the Ministry of Internal Affairs, the Chief Prosecutor’s Office and the International Organization for Migration on the principles of cooperation in the area of capacity building of law enforcement agencies in combating trafficking of human beings.

Additionally diplomats/consular officers attend lectures on trafficking issues and existing national referral mechanism in Georgia during the study program for appointing consular officials at the training center functioning on the basis of the Ministry of Foreign Affairs of Georgia. The lectures contain important information on current legislation, THB as criminal offence, penalties and referral system. The Staff deployed abroad is provided with the information also during working meetings of consular officials held in Tbilisi.

Following is the list of most important capacity building trainings for different authorities working on THB:

- a) In 2012 Trainings related to trafficking issues were organized by US Embassy in cooperation with Ministry of Internal Affairs for the patrol police officers, boarder officers and district inspectors/police officers. During the trainings covered the following issues: legislation related to trafficking, identification, protection and assistance of victims of THB. Furthermore, special trainings were held for boarder police officers to introduce the methods of identification of statutory victims of trafficking and perpetrators as well;
- b) In March 2012 the women police officers participated in conference organized by Ministry of Internal Affairs in cooperation with US Embassy. The issues related to trafficking was one of the crucial topic at the conference;
- c) In April, 2012 US Embassy in cooperation with Ministry of Justice and Ministry of Internal Affairs of Georgia held trainings for police officers and prosecutors. One of the main topics of the trainings was combating trafficking in human beings.
- d) On April 8-10, 2013 one representative of MoIA participated in seminars devoted to removal of body organs, trade by body organs and parts of the organs. The Seminar was organized by National Security Agency for Medicine and Healthcare (Paris);
- e) In April 2013, the IOM provided 4-day trainings for public school teachers in the Center for Teacher Professional Development. The aim of the trainings was to get familiar with the trafficking prevention issues.
- f) In April, 2013, meeting was held on THB related issues. Representatives of MFA consular department participated in the meeting; also, it should be noted that Diplomats /consular officers take lecturers on trafficking issues and existing national referral mechanism in Georgia during the study program for appointing consular officials at the training center functioning on the basis of the Ministry of Foreign Affairs of Georgia. The lecture contains important information on current legislation, THB as criminal offence, penalties and referral system. The Staff deployed abroad is provided with the information also during working meetings of consular officials held in Tbilisi;
- g) A regional conference “Deepening of the knowledge about the threats of the human trafficking” in Azerbaijan, Georgia and Armenia” was held in Tbilisi, 5-6 December, 2013 with the support of Swiss Agency for Development and Cooperation and International Organization for Migration. The State Fund representatives participated in the conference;
- h) On May 28-30, 2013 training on THB victim identification and effective investigation was held for 5 prosecutors and 19 investigators. The training was organized with financial support of IOM;
- i) Apart from this, on September 28-29, 2013 training for law enforcements was held in Signaghi. 7 prosecutors and 10 investigations from Tbilisi, Adjara, Kakheti and

- Kvemo Kartli participated in the trainings. The meeting was held with technical assistance of IOM within the project “Enhancing Operational Contacts between Georgian and Turkish Law Enforcement Structures to Combat Trafficking in Persons”;
- j) On July 1-2, 2013 THB training was held for the law enforcements at MoIA Police Academy. 16 law enforcements participated in the training, which was financially supported IOM;
  - k) On September 20-21, 2013 and May 16-17, 2014 trainings on the issues related to trafficking was organized for judges. The training was organized by the High School of Justice of Georgia with financial support of IOM (International Organization for Migration). The training was attended by 13 judges in 2013 and 9 judges in 2014 and the topics covered by the training include:
    - 1. Comparison between the Palermo Protocols and Georgian legislation;
    - 2. Stages and methods of trafficking;
    - 3. Trafficking legislation and politics;
    - 4. Illegal transportation of migrants across the border;
    - 5. Trafficking in minors and adoption;
    - 6. Victims of trafficking, mechanisms of protection and referral.

The High School of Justice of Georgia aims to provide at least one anti-THB training for judges per year. The composition of training groups is based on the statistical data of the human trafficking cases dealt by the courts. In addition, one anti-THB training is also included in 2015 re-training program of judges.

- l) On March 1-2, 2014 training on trafficking and domestic violence was held for the victim and witness coordinators. 13 victim and witness coordinators participated in the trainings. The trainings were organized by Chief Prosecutor’s Office, State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking, NGO “Sakhli” and IOM;
- m) On March 20-21, 2014 training on trafficking was held for the members of ISAF mission. Over 1600 peacekeepers participated in trainings. The trainings were organized by Ministry of Justice, Ministry of Defense and State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking;
- n) On March 28-29, 2014 training on trafficking was organized for the investigators and prosecutors. 24 law enforcements (6 intern-prosecutors, prosecutors and 18 investigators) from Tbilisi and Batumi participated in trainings, which was organized by MoIA Police Academy in close cooperation with Ministry of Justice, Chief Prosecutor’s Office and State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking.
- o) On July 10-11, 2014 training on trafficking victim identification was organized for investigators in Batumi. 4 investigators attended the training, which was organized by NGO Tanadgoma, in close cooperation with IOM, INL and THB Council;
- p) On July 19-20, 2014 THB related training was organized for investigators and the members of THB inspection mobile groups in Kvareli. 18 participants attended the training, which was NGO Anti-violence Network, in close cooperation with IOM, INL and THB Council;
- q) On 17-19 September 2014, in Kachreti with financial and organizational support of INL and IOM 3 day training on the issues related to trafficking in human beings and child pornography was conducted. 20 prosecutors, coming from all regional

prosecutor's offices attended on trainings. Trainer was prosecutor from USA with wealthy experience of working on the considered subjects. Training covered issues on effective investigation and prosecution of these crimes. Participants were informed on standards on interrogating women and child victims of trafficking.

- r) In 2014, 57 trainee-prosecutors were admitted to the Prosecutors Office of Georgia, with possibility of their future appointments as prosecutors. Trainee-prosecutors are provided with special course before starting practicing. The curriculum of the course includes topics regarding the trafficking and violence against women.

Furthermore, new Action Plan for 2015-2016 (adopted on 14 November 2014) provides capacity building trainings for law enforcement as well as for judges, consular staff and staff for State fund. Additionally special trainings will be undertaken in order to improve implementation of abovementioned Guidelines and S.O.P.s

*6. Further, GRETA invites the Georgian authorities to take full account of gender and child-specific aspects when designing future trainings on THB.*

Georgian authorities would like to reiterate that all THB trainings conducted by relevant agencies emphasis importance on gender and child-specific aspects.

Working Group composed of prosecutors, investigators and representatives of the secretariat of the Council elaborated guidelines for law enforcements. The guidelines help investigators and prosecutors to identify THB victims and give a proper legal qualification to the case. In addition, guidelines give the proper interpretation of THB Article of Criminal Code of Georgia. Guidelines provide specific measures to be undertaken in cases of minor victims. Law enforcement officials were trained in order to implement properly the guidelines in practice.

Prosecutors and investigators took active role in designing SOPs for identification of possible victims of the THB. Draft SOPs were assessed and analyzed against international best practices by expert from USA, major recommendation provided by expert were reflected in draft SOPs.

#### **Data collection and research**

*7. GRETA considers that, for the purpose of preparing, monitoring and evaluating its anti-trafficking policies, the Georgian authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.*

Georgian authorities would like to emphasis that all information related of the Trafficking issue from the responsible agencies are collected in the Information-Analytical Department of the Ministry of Internal Affairs. Information-Analytical Department maintains a database accessible by all government agencies that stores and organizes trafficking related information.

The secretariat of the THB Council, regularly collects information from the relevant agencies and maintains database with respecting personal data protection rules.

The further development of segregated information database is provided in new action plan for 2015-2016 (enters into force from January 1, 2014).

*8. GRETA invites the Georgian authorities to make operational the databases under construction as a matter of priority.*

Georgian Government appreciates the recommendation of GRETA regarding the making of operational database and kindly informs that Article 8 of Georgian Law on Combating Trafficking in Human Beings ensures the establishment of Unified Information Database For the purpose of identifying and systematizing existing information on traffickers. The Database shall be comprised of information obtained through criminal intelligence measures, pre-trial investigation and court hearings and/or information received from the International Criminal Police (Interpol) or other relevant organizations. Within the institutional setup unified information database has been established and is operating in the Ministry of Internal Affairs. The bank facilitates the identification of traffickers and systematization of the available information at various agencies. Information contained in information Bank is confidential. Certain police officers have access to the data stored in the bank.

Unified Information Database consists of the following information:

- Number of THB crimes;
- Information on persons concerning whom criminal prosecution is initiated. This information is classified by gender, age and citizenship;
- Information on statutory victims also contains notes on gender, age, citizenship, etc;
- Information about the place of crime (country, city/village, etc);
- Form of exploitations (sexual, labor, minor etc.).

*9. Further, GRETA invites the Georgian authorities to conduct and support research on THB-related issues, in particular in areas which have received little attention, such as trafficking among IDPs, national trafficking, and trafficking for the purpose of labour exploitation. More attention should also be paid to research on trafficking routes in and out of Georgia by sea, given that the scope of this phenomenon is still little known. The results of the research should be used as a source of information for future policy measures in the field of action against THB.*

Georgian authorities appreciate GRETA's recommendation and acknowledge the importance of research on THB issues. To that end, Memorandum of understanding was concluded between Tbilisi State University (TSU) and Migration Commission headed by the Minister of Justice of Georgia with the aim of cooperation on the issues of migration which also covers THB. TSU is biggest research institute in Georgia, and provides master program in public international law, that includes two semester practical and theoretical course on THB.

According to the data collected from the Universities, the human trafficking subject is taught as one subject of the course. For Bachelor's degree: private part of the criminal code (crime against human being), democracy and citizenship (elective credits), ecclesiastical law, basics of law, human rights, globalization, international security, international law of human rights protection. Masters programs: transnational crime, organized crime prevention, fight against trafficking and family violence.



In the third level of higher education PHD work was written and later was edited as a guidebook: criminological overview of human trafficking. It is published monograph: criminal responsibility for trafficking.

When it comes to the research on trafficking routes, it should be noted that the analysis of the Ministry of the Interior shows that Georgian Citizens who became THB victims abroad, or foreign nationals who were exploited in Georgia were transported by land or air transport. No single fact of THB through the sea was identified so far by law enforcement authorities of Georgia.

### **Prevention of THB**

*10. GRETA urges the Georgian authorities to step up their efforts to address the socio-economic vulnerability of IDPs, potential migrants and children (including those held in special schools and institutions for persons with disabilities). In this context, GRETA invites the Georgian authorities to consider including specific references to the prevention of THB in the National Strategy for IDPs.*

The principal goal of the Government of Georgia remains to promote the socio-economic integration and improved living conditions of IDPs until their voluntary, safe and dignified return to their places of origin. In order to improve the policy planning process and to define an exact number of IDPs and their families, the Ministry of Internally Displaced Persons From The Occupied Territories, Accommodation and Refugees of Georgia (MRA) conducted a comprehensive registration of IDPs within August, 2013 – March, 2014. An estimated 258,775 IDPs (86,008 IDP families accordingly) underwent the registration process across the country. The IDPs from occupied Gali region were given the opportunity to register as well. Mobile teams visited internally displaced persons unable to come to the registration centers in private residences, penitentiary institutions and hospitals. The registration questionnaire included several questions on the socioeconomic conditions aimed at identifying IDPs' needs in order to improve their housing and livelihood opportunities.

In the light of improved framework of protection of IDP rights the amended Law of Georgia on Internally Displaced Persons from the Occupied Territories of Georgia (hereafter, the Law) entered into force in March, 2014. The Law has clarified a number of important issues and enhanced the protection of IDPs against discrimination.

Significant efforts have been made in order to improve living conditions of IDPs and provide them with decent durable housing based on “Guiding Principles, Criteria and Procedures of Durable Housing Solution” (DHS) document adopted by the MRA in August, 2013. Out of overall number of registered IDPs, 81,899 citizens were provided with DHS. Since October, 2012 until now approximately 2,500 IDP families (8,000 citizens accordingly) were provided with DHS and the process is ongoing. In the course of 2014, it is planned to accommodate 1000 IDP families (about 4000 IDP citizens accordingly). It is worth mentioning that the MRA budget for DHS has doubled in 2013 and amounted to 40 million GEL. In previous years, the housing programs were mainly funded by the donor community while the state budget spending was of a minimum amount. This year an increased amount, totally 50 million GEL, will be spent on housing purposes.

The housing programs are durable and the accommodations are allocated in Tbilisi and other large cities, where the IDPs reached a certain level of integration. Currently, out of the overall 28,528 IDP families that were provided with DHS – 16,000 families' living spaces were transferred into their private ownership and registered their real estate in National Agency of Public Registry (NAPR), Ministry of Justice. The privatization process for additional 5,000 IDP families is ongoing. However, the housing needs are still persistent; more than 50, 000 IDP families remain without DHS, and more than 35, 000 are in urgent need of housing.

The innovative approach of the MRA towards housing seeks to combine the DHS with the livelihood opportunities for IDPs. The decision was made in July, 2014 in order to start the process of purchasing houses with the land plots in Georgia's rural areas. Currently, the MRA is in process of receiving the applications of consent from IDPs regarding this issue. The estimated 20,000 GEL will be spent on each housing unit. In result, the IDPs will be given an opportunity to improve their livelihoods through cultivating their own land plots. Such an approach will contribute to the transition of IDPs from their dependence on State assistance. This, in turn, will contribute to reduction of IDPs poverty, unemployment, hopelessness as well as relieve a large fiscal burden to the State and support IDPs to contribute actively to the national economy.

The MRA continues to lead and coordinate the livelihood support with the view to conduct the corresponding projects for IDPs. According to the previous approach, the State assistance was limited to financial allowances and coverage of communal costs; therefore IDPs were fully dependent on the private/NGO sector in their livelihoods. The current efforts are reflected in the implementation of the State Strategy and Action Plan on IDPs Livelihoods, elaborated in May, 2014 by the MRA in cooperation with various state agencies, donor and non-governmental organizations. The major goal of the IDP Livelihood Strategy and respective Action Plan is to improve socio-economic conditions of IDPs through joint efforts of the state institutions, donors, international agencies, local and international non-governmental organizations as well as private/business sector by creating opportunities and facilitating the process of IDP livelihood support.

The Strategy and respective Action Plan will be implemented by the MRA through the Legal Entity of Public Law (LEPL) on IDPs Livelihoods, which was established last year. The LEPL will closely cooperate with the Ministry of Economy and Sustainable Development, Ministry of Agriculture, Ministry of Regional Development and Infrastructure, Ministry of Labor, Health and Social Care, Ministry of Education and Sciences, as well as with self-governance bodies, donor, international, governmental and non-governmental organizations. Synergy with the other strategies and public policy documents (Agriculture Development Strategy, Labor and Employment Strategy, Regional Development Strategy etc.) will be established in cooperation with the EU funded TA project, which will support the MRA for the next two years. Financing of the provisions stipulated in the Strategy and respective Action Plan will represent a collaborative effort of the MRA, GoG, local and international donors and charity organizations. Currently, the MRA is in the process of identifying IDP livelihood pilot projects to be implemented by the above-mentioned LEPL.

The action plan will be revised in December 2014, the committee will envisage including this issue in the document

*11. GRETA considers that the Georgian authorities should continue their efforts to discourage demand for services from trafficked persons, paying particular attention to the sectors with a higher risk of THB.*

Government of Georgia considers public awareness raising campaigns on trafficking as one of the essential measures for discouraging demand for services from trafficked persons. For the effective implementation of the preventive measures, THB Council elaborated Common Information Strategy on combating trafficking with specially identified vulnerable target groups, regions and implementation means. The strategy was approved by THB Council on February 12, 2014. Informational campaigns conducted in the framework of the Informational strategy, that includes informational meetings in different towns and villages with different audiences, radio and TV programs in national and regional broadcasters, disseminating special leaflets, always stress on criminal liability for use of services of victims of trafficking. For further information regarding the implemented awareness raising activities please refer to para. 3 of the present document.

Furthermore, Georgian government demonstrated an increased commitment to target the flourishing prostitution business in Georgia, particularly the regions of Adjara and in Tbilisi. There are clear indications that the demand for prostitutes from the side of foreign truck drivers and visitors in casinos in Georgia is primarily catered by women originating from the Central Asian republics.

In order to reveal the facts of prostitution and THB, mobile groups have been established within the Ministry of Internal Affairs of Georgian. The task of abovementioned group is to inspect the suspected places and buildings (hotels, bars, bathes, casinos, etc.).

In addition, in January, 2014 special Division for Combating Human Trafficking was established in Adjara Region within the MoIA. The main functions of the division are to conduct effective investigation and implement proactive measures in order to identify THB cases through the Westside Region of Georgia. Also, the staff of division is responsible for identification of (potential) victims of trafficking in persons and to control and regularly interview deported Georgian nationals at Sarpi border crossing point 24/7.

Furthermore, on February 27, 2014 Memorandum of Understanding was signed between the Ministry of Internal Affairs, the Chief Prosecutor's Office and the International Organization for Migration on the principles of cooperation in the area of capacity building of law enforcement agencies in combating trafficking of human beings. The signatories to this memorandum will do their best to act against trafficking in persons in an effective, active, united and coordinated manner. On the base of the memorandum, the Task Force has been established in Adjara region. The Task Force, consisting of 12 acting investigators (7) and prosecutors (5), will jointly reveal facts of trafficking primarily focused on the Adjara region.

*12. Further, GRETA considers that the Georgian authorities should continue developing awareness raising and information campaigns to prevent THB for the purpose of labour exploitation, both within Georgia and abroad, targeting the most vulnerable groups (IDPs, children, potential migrants).*

As it was mentioned above, THB Council adopted Common Informational Strategy and relevant action plan for 2014-2015 for conducting different measures of public awareness (<http://www.justice.gov.ge/Ministry/Department/332>). Common Information Strategy identifies vulnerable target groups, including children, possible migrant and IDPs, regions and implementation means. The draft strategy was presented to the representatives of governmental and non-governmental agencies. Their comments and feedback were reflected in strategy. Information strategy was approved by THB Council on February 12, 2014. For further information regarding the implemented awareness raising activities please refer to para. 3 of the present document

In addition, new Action Plan for 2015-2016 (adopted on 14 November 2014) also foresees conducting of the information campaigns in order to increase public awareness regarding the THB for the purpose of labour exploitation, both within Georgia and abroad, special provisions are dedicated to cover most vulnerable groups (IDPs, children, potential migrants)

Within the framework of the Strategy, information meetings with different target groups such as pupils (430), students (110), street children (30), minorities, IDPs and rural population (725) were organized in Tbilisi, Telavi, Gurjaani, Kvareli, Batumi, Kutaisi, Gori, Rustavi, Zugdidi, Marneuli, Ozurgeti, Tkibuli, Geguti, Sagarejo, Poti, Tsalenjikha, Senaki, Kobuleti, Gonio, Borjomi, Akhaltsikhe, Poka, Sartichala, Shorapani, Tskaltubo, Mestia, Becho, Martvili, Gomi, Rusi, Chokhatauri, Ozurgeti, Lanchkhuti. As mentioned above the meetings are regularly attended by IDPs and possible migrants.

In addition, TV and radio shows and advertisements are frequently devoted to THB issues on central and regional TV stations. Furthermore, we regularly arrange information meetings and round tables with different target groups (students, pupils, rural and regional population) in all regions of Georgia to discuss on human trafficking. Information leaflets on Georgian and other languages (English, Turkish, Russian, Armenian, Azeri) are largely disseminating in big cities and rural areas, at state borders, airports and consular units.

In addition, moot court competition on Trafficking in Human Beings for students was organized by THB Council. The competition was initiated by Ministry of Justice, EU delegation to Georgia, LEPL Training Center of Justice, LEPL State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking in Persons, Public Defender's Office, Civil Development Agency (Cida) and Georgian Young Lawyers Association. 40 students from different universities throughout Georgia (Tbilisi, Gori, Kutaisi) participated in competition.

Diplomats/consular officers attend lectures on trafficking issues and existing national referral mechanism in Georgia during the study program for appointing consular officials at the training center functioning on the basis of the Ministry of Foreign Affairs of Georgia. The lectures contain important information on current legislation, THB as criminal offence, penalties and referral system. The Staff deployed abroad is provided with the information also during working meetings of consular officials held in Tbilisi.

In addition, On March 20-21, 2014 training on trafficking was held for the members of ISAF mission. Over 1600 peacekeepers participated in trainings. The trainings were organized by Ministry of Justice, Ministry of Defense and State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking.

*13. GRETA welcomes the efforts of the Georgian authorities to strengthen the prevention of THB through information and education measures. That said, GRETA considers that future actions in this area should be designed in the light of the assessment of previous measures and be focused on the needs identified.*

Georgian authorities knowledge the importance of the assessment of previous measures and planning the future activities based on the identified needs. In this regard, Government of Georgia kindly informs that 2013-2014 NAP was elaborated based on report and risk analysis of previous national action plan. Also, THB Coordination Council periodically elaborates implementation reports of the NAP. Relevant authorities regularly analyze the conducted activities to tackle THB and further steps are taken in a manner that aims to solve the problems that were identified during the implementing of the activities. The analyzes of the past prevention measures showed that it would have been more effective to implement such measures in regions, especially in rural areas. Taking this into account MOJ announced the Grant contest on March 27, 2014. The grant project is mainly of educational character aiming at awareness raising of the community on nature of trafficking, related threats and mechanisms combating of THB. One local NGO “Migration Center” won the grant project. Within the framework of the grant project several activities in Adjara Region were implemented by NGO “Migration Center”:

- (1) informational brochures that contained short information about trafficking, mechanisms of defending the victims of this crime, prevention of committing or becoming the victim of trafficking were created and disseminated;
- (2) On August 11, 2014 information meetings with people willing to travel and work in Turkey was organized at the Center for Civic Engagement;
- (3) Following topics were covered: Mechanisms of preventing to be the victim of trafficking, referral mechanism and rehabilitation programs of the victims of the crime. Brochures were provided to audience in order to deliver it in the territory of Turkey. Apart from the, meeting attendees received relevant information on lifestyle in Turkey and possible dangers there. An informational video was played regarding the process of crossing the border illegally and becoming the victim of trafficking;
- (4) On August 12, 2014 Street Informational Campaign was launched in the boulevard in Batumi. Materials in English and Georgian languages, created by the Center for Migration, International Organization of Migration (IOM) and CIDA, were delivered to tourists. Because of the fact of massive migration from Adjara to Turkey, another informational brochure “Migration Guidelines to Turkey” was introduced to them. At 17:00, a cultural event was conducted at Shota Rustaveli Batumi State University. Local residents, students and tourists actively participated in cultural meeting.
- (5) On August 13, at 11:00, with the participation of local residents and representatives of “Migration Center” a Flash Mob was organized in Batumi Boulevard. At 15:00, a discussion about the trafficking and migration was held. Local NGOs and youth were invited to the meeting. A Video Clip on Migration to Turkey was played during the meeting which was followed by discussion. Mainly, the topic of illegal migration of Georgians, employment based discrimination and the prevention mechanisms of trafficking were discussed.

Furthermore, informational campaigns conducted in the framework of the Common Informational Strategy emphasize on the specific needs, identified during former campaigns. In addition, previous years showed that the issues related to THB including forced labor and forced begging among so called “street children” becomes more and more crucial. Therefore, THB Council made a decision to deal with this problem. Special activities are devoted to the issues of children living and working in streets in the new national action plan for 2015-2016.

While planning national curriculum Ministry of Education of Georgia analyzes the implementation of former educational plan and if relevant changes are needed they are reflected. Next analyzes of National Curriculum will take place in 2014, all the issues, that require to be updated related to THB, will be reflected in school books.

The Georgian Government’s National Action Plan on the Fight against Trafficking in Human Beings devotes particular attention to the prevention of this crime. Both on TV and radio stations the special campaigns are ongoing, for the public raising in the field of trafficking. Moreover public discussions are taking place within different state and public institutions on the question. In the Ministry of Internal Affairs is functioning 24 hour “hot line”, all citizens are able to take professional consultations from qualified operators. Ministry of Internal Affairs permanently publishes informative brochures and triplets for population.

In addition information leaflets (on Georgian, Russian, Uzbekistan and Turkish languages) were disseminated on borders and consular units;

Information on combating trafficking is published and regularly updated on the websites of the Ministry of Internal Affairs – [www.police.ge](http://www.police.ge). Websites contain detailed information for ordinary citizens on how to identify possible trafficking threat, how to protect themselves from deceit and fraud, who to consult and how and to whom to report. The statistic information about trafficking crime is published on the official website of the Ministry of Internal Affairs as well.

Fighting against trafficking as well as other types of violence is duly reflected in all subject-based programs of the social science subjects of the 2011-2016 national curriculum: civic education, History, geography. Therefore, the mentioned topic is included in the textbooks compiled in accordance with the abovementioned programs. Particularly:

- IX grade textbook includes the following topics: The essence of the person, free will and decisions, Human Rights and Responsibilities. A separate chapter is devoted to human trafficking in its various forms.
- For the X grade, there are two different textbooks on “Civic Education”. Both textbooks contain topics, such as: the citizen and law, the human dignity, children's rights, rights and liberties, human trafficking risk groups, risk of falling victim of human trafficking, etc.

3 out of 28 higher education universities have syllabuses on the human trafficking, legal nature of the trafficking, state policy and legislation on fighting against human trafficking (elective subject).

14. In addition, GRETA considers that further efforts should be made to:  
- detect cases of THB through proactive screening during border control;

Employees of the Division of Fight against Trafficking and Illegal Migration of the Second Main Division of the Criminal Police Department of the Ministry of Internal Affairs systematically interview citizens deported from the Republic of Turkey and other European countries in order to detect the crime of trafficking in human beings. In 2012 1040 deported persons were interviewed, in 2013 1527 persons and in 2014 1560 respectively. In 2013 7 deported Georgian nationals were identified as victims of forced labor in Turkey. The investigation was launched under Article 143<sup>1</sup> of the Criminal Code of Georgia (THB Article) on August 23, 2013. The Permanent Group under THB Council granted the status of THB victim to all of them in December, 2013 and January, 2014. All THB victims (7 victims) have refused services of State Fund (shelter, legal aid, medical and psychological assistance) except of the compensation.

- address the role and involvement of private employment agencies in cases of THB for the purpose of labour exploitation;

Additionally, under the provisions of the Association Agenda, that is adopted in order to implement Association Agreement between EU and Georgia, labor regulations will be amended to harmonize them with international standards, same obligation is already contained in action plan on implementing Human Rights strategy, adopted by the Government of Georgia. Additionally THB new action plan for 2015-2016 (adopted on 14 November 2014) also provides measures to modify Georgian legislation to implement better labor related laws in conformity with international laws.

As for detection mobile groups of the Division of Fight against Trafficking and Illegal Migration of the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia detects and records trafficking risk-bearing areas, and checks and studies persons, including persons engaged in prostitution, working in organizations that has suspicious reputation. In order to proactively reveal the facts of labor trafficking, staff working in the organizations (hotels, bars night clubs, baths etc.) are interviewed permanently. The aim of the interview is to ensure, that each worker has identity cards, they exercised their right to freedom of movement, they have been receiving the full remuneration for their work, and they were engaged in work voluntarily. From April till now Mobile groups identified different institutions such as bars, baths and saunas in Tbilisi, Guria, Kakheti, Samegrelo, Kvemo Kartli, Shida Kartli, Adjara and Imereti. The mobile groups also check organizations with vague job offers in Georgia and abroad.

- introduce a checklist to identify potential THB-related risks during the visa application system.

New visa policy entered in force in Georgia in September 1, 2014. To obtain a Georgian visa an alien shall fill out a visa application form, which shall be accompanied by documents, that confirm the *purpose of visit*, concerning the trafficking the following issues are important:

*For labour activities:*

1. Document issued by a legal entity of Georgia, verifying, that the person must carry out labour activity in Georgia. The document must include: duration of labour relation and the amount of compensation.
2. Document issued by the relevant authority of a foreign country confirming, that the alien is employed by the institution. Hence, his visit to Georgia is required.
3. The employment contract, which shall include the duration of labour relation and the amount of compensation.

*For entrepreneur activities:*

An extract from the Public Registry, confirming, that the alien is founder/co-founder or authorised representative of (commercial) legal entity, that is registered in Georgia.

*For educational purpose:*

Document issued by the authorized educational institution, verifying that the alien is studying on the educational program (training courses, exchange programs, language courses, etc.) in the abovementioned institution.

*For the purpose of family reunification:*

Document confirming, that the alien's family members legally reside in Georgia.

If the alien comes to Georgia based on special conditions (except tourism purposes) then, a specially determined *invitation form* should be presented directly to the visa authority. When necessary, a visa issuing authority may require additional documents or invite a visa applicant for an interview.

The purpose of visit, also the documents that confirm it, interview with the visa applicant and purpose of additional documents are the main identifying mechanisms of potential THB-related risks during the visa application system to detect and exclude any such risks during the process.

*15. Further, GRETA invites the Georgian authorities to consider carrying out information campaigns to alert potential foreign victims of trafficking of THB-related risks and how to get help, in co-operation with countries of origin.*

Government of Georgia appreciates the call of experts to carry out information campaigns to alert potential foreign victims of human trafficking and kindly informs that Ministry of Foreign Affairs of Georgia distributes informational brochures on the threats of trafficking, irregular migration and main human rights. In the framework of the project "Raising awareness through education on the threats of Trafficking" informational brochures (Advisory for travelers abroad) were produced in cooperation with the International Organization for Migration. The brochures contained information on subsequent consular assistance and on the threats of trafficking, along with the contact information of Diplomatic representations/Consular Units of Georgia abroad. With the Support of Consular Department of the Ministry of Foreign Affairs of Georgia the abovementioned brochures were distributed on the border-crossing points of Georgia, in the Diplomatic Representations/Consular Posts of Georgia abroad, also, in the Embassies and Consular Units to Georgia and at the Reception Hall of the Consular Department of Ministry of Foreign



Affairs of Georgia. Embassies of Bulgaria, Italy, Switzerland and Lithuania have already accepted the distribution of THB brochures in the Embassies

Starting from the fourth quarter of 2013, Georgian National Tourism Administration (GNTA) in close cooperation with the International Organization for Migration (IOM) and with the support of U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs, Ministry of Internal Affairs of Georgia and Atipfund Georgia have worked on anti-trafficking information flyer. The flyer explains the main essence of trafficking and provides a passage from the Article 143<sup>3</sup> of the Criminal Code of Georgia. It also warns of the treats concerning involvement in trafficking.

The flyer is available in five languages (Georgian, English, Russian, Turkish and Persian). In March 2014, 100,000 copies were printed by IOM and 50,000 copies were donated to GNTA. During the first two quarters of 2014, GNTA distributed flyers through the Tourism Information Centers of Tbilisi, Gori, Borjomi, Telavi, Akhaltsikhe, and in the airports of Tbilisi, Kutaisi and Batumi.

Between the dates of April 15 – October 15, IOM distributed 18,427 flyers through the Ajara region namely: Sarpi – including outer perimeter of Sarpi Border Crossing Point, Batumi airport, centre of Batumi, Chakvi and Kobuleti. Target group includes: tourists (both foreigners and Georgian), truck drivers, travelers in public transport (transport hubs such as railway and bus stations). In the same period, up to 5,000 copies were distributed during public information meetings of IOM's Mobility Centre in all provinces of Georgia.

In addition, diplomats/consular officers are permanently attending lectures on trafficking issues and existing national referral mechanism in Georgia during the study program for appointing consular officials at the training center functioning on the basis of the Ministry of Foreign Affairs of Georgia. The lectures contain important information on current legislation, THB as criminal offence, penalties and referral system. The Staff deployed abroad is provided with the information also during working meetings of consular officials held in Tbilisi.

*16. GRETA invites the Georgian authorities to monitor and evaluate the effectiveness of the new travel and identity documents in the prevention and detection of cases of THB.*

Georgian authorities appreciate the recommendation of GRETA regarding the effective monitoring and evaluation of travel and ID documents in order to prevent potential THB cases and kindly informs that according to the THB National Referral Mechanism, border police officers are expected to have the first contact with the victims in many cases, therefore they are well- trained regarding the issues related to THB. Border police officers have the capability and they are obliged to check the travel documents and to identify whether they are issued by the state bodies or they are false. Additionally the border police officers check the visa in the travel document to identify whether they are official or not. In case of identification of false document they immediately contact to investigators. If the victim of THB attempts to cross the border with false documents, he/she is placed in safe accommodation without accompanied person.

As there is possible link between the use of false document and THB, police officers from Fighting against Trafficking and Illegal Migration Unit of Central Criminal Police Department of the Ministry of Internal Affairs are involved into cases when using of false document is revealed.

Police officers of Central Criminal Police Department are monitoring for 24/7 border control establishments (International Airport, Sarpi border point). If there is suspicion that the individual is victim of THB, they interview him/her and try to identify if the use of false documents was linked to the fact that they are victims of THB.

It is worth mentioning that victims of the THB are not subject to criminal liability for committing crime under Article 344 of Criminal Code of Georgia (illegal crossing of Georgian border) and under Article 362 (use of false document), if these acts were committed by victims of THB.

### **Identification of victims of THB**

*17. GRETA considers that the Georgian authorities should step up their efforts to improve the proactive detection and identification of victims of trafficking.*

Government of Georgia acknowledges the importance of effective and proactive investigation of THB cases. For that reason, Working Group under THB Council elaborated the amendment of the Note of THB article of Criminal Code of Georgia. The note defines the term of exploitation. The amendment enacted on May 29, 2014. After entry into force the amendments, the Criminal Code of Georgia became unambiguous in the light of THB and its application is considerably easier for investigatory as well as judicial bodies. IOM and UNODC made the comments and recommendations to the draft of the amendment. Their feedback was reflected to the Note. Also, the sanctions of the crime were revised. As a result, sanctions are increased, namely, supplementary sanctions for trafficking are deprivation of the right to occupy a position or pursue a particular activity for 3 years instead of 2 years.

In addition, to ensure more proactive investigation of THB cases, Working Group composed of prosecutors, investigators and representatives of the secretariat of the Council, was established in 2013, under THB Council to elaborate guidelines for law enforcements. The guidelines help to investigators and prosecutors to identify THB victims and give a proper legal qualification to the THB case. Also, guidelines give the proper interpretation of THB Article of Criminal Code of Georgia. Guidelines focus on the following issues:

- legal aspects of trafficking, including the definition of means, actions and purpose of trafficking;
- trafficking related articles of CCG, namely involving someone in prostitution, giving the venue for the prostitution, involving minor in anti-social activity;
- standards of THB investigation: compulsory, comprehensive and effective investigation;
- standards of the interrogation of THB victims, including minors;
- standards of evidences.

The guidelines were approved in February 2014 by THB Council.

Further, Combating Human Trafficking is one of the top priorities of Government of Georgia. Proactive identification of THB victims remains one of the challenges. In accordance with the above mentioned Standard Operative Procedures (SOPs) for Investigators, Operative Agents to Reveal the Crime has been elaborated. The draft document aims to establish standard operative procedures for investigators, operative agents in order to effectively implement their activities. Proactive investigation is oriented on the initiative of law enforcements and includes all methods

of investigations, which are not depended on the report/application of the victim rather than the operative report. It means that the investigation will be launched based on the operative report.

In March, 2013, Georgia adopted new National Action Plan (NAP) focused on proactive methods of victim identification and developing efficient tools in order to increase number of prosecutions. For the effective implementation of NAP, 3 THB inspection mobile groups composed of representatives of law enforcements agencies were created under Ministry of Internal Affairs, which regularly operate in the high risk areas. The mobile groups also check organizations with vague job offers in Georgia and abroad. Law enforcements regularly interview Georgian nationals deported from Turkey and European countries with a view to revealing potential THB cases.

In addition, on February 27, 2014 Memorandum of Understanding was signed between the Ministry of Internal Affairs, the Chief Prosecutor's Office and the International Organization for Migration on the principles of cooperation in the area of capacity building of law enforcement agencies in combating trafficking of human beings. The signatories to this memorandum will do their best to act against trafficking in persons in an effective, active, united and coordinated manner. On the base of the memorandum, the Task Force has been established in Adjara region. The Task Force, consisting of 12 acting investigators (7) and prosecutors (5), will jointly reveal facts of trafficking primarily focused on the Adjara region.

Apart from this, in order to strengthen fight against trafficking, in January, 2014 special Division for Combatting Human Trafficking was established in Adjara Region within the MoIA. The main functions of the division are to conduct effective investigation and implement proactive measures in order to identify THB cases through the Westside Region of Georgia. Also, the staff of division is responsible for identification of (potential) victims of trafficking in persons and to control and regularly interview deported Georgian nationals at Sarpi border crossing point 24/7.

Furthermore, law enforcements are permanently trained on human trafficking issues to improve their practical skills and introduce the international standards and current trends.

Please refer to Annex 1 for the detailed statistical data of THB cases.

*18. GRETA invites the Georgian authorities to evaluate the implementation of the mandatory referral mechanism for cases of violence against children and to explore the possibility of expanding it to THB, as an additional tool to improve the identification of child victims of trafficking.*

In 2010 Georgia introduced mandatory referral mechanism aimed to identify and report cases of violence against children. This mechanism applies to members of the police, educators and social workers, requiring them to report cases of violence against children to social workers for follow up and assistance. This mandatory referral mechanism could play a role in detecting cases of trafficking in children as well as it covers all types of the violence, including violence against THB victims.

In addition to this the national referral mechanism is established by the Government of Georgia and there are special rules for identification of victims of trafficking, including the minors.

The Basic Structure of the Referral Mechanism is as follows:

- Identification of the Victims of Trafficking:
  - a. preliminary identification;
  - b. special social worker who has right to conduct identification questioning;
  - c. identification questionnaire;
  - d. organ taking final decision as to the persons status as a victim;
- Protection of the Victim of Trafficking:
  - a. legal aid;
  - b. medical aid;
  - c. social aid;
  - d. protective measures;
- Rehabilitation of the Victim of Trafficking:
  - a. social programs;
  - b. Reintegration process

### **Assistance measures**

*19. GRETA considers that the Georgian authorities should address the low number of victims of trafficking who agree to take part in individual rehabilitation and reintegration plans.*

Georgian anti-trafficking policy ensures the assistance services for the victims and statutory victims of human trafficking free of charge. The only precondition for becoming the beneficiary of state services is the status of victim or statutory victim of trafficking. Law on Combating Trafficking in Human Beings differentiates status of victim of trafficking and status of statutory victim of trafficking. The status of victim of trafficking is granted to the person by Permanent Group of THB Council, while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia (CPC) (Article 56).

The procedure of granting the status of victim of trafficking by Permanent Group is regulated under the Law on Combating Trafficking in Human Beings (Article 11). Permanent Group is authorized entity for examining and granting the status of victim of trafficking to a person within the 48 hours.

This difference doesn't exclude the right of victim of trafficking or statutory victim of trafficking to cooperate with law enforcement authorities in investigating and/or prosecuting of THB crimes. Person who is granted the status of victim of trafficking by the Permanent Group, he/she is also authorized to cooperate with law enforcement agencies. The difference is only in the procedure of granting the status. There is no difference between their rights during the process of investigation and/or prosecution.

Also it should be noted that victim of trafficking has the right to receive the state protection and assistance from the very moment of identification as a victim of trafficking till the full rehabilitation and re-socialization, and even if he/she refuses to cooperate with investigatory bodies.

Both victims of trafficking and statutory victims of trafficking receive similar legal assistance from Government of Georgia.

In addition, State Fund for the Protection and Assistance of Victims (Statutory) of Human Trafficking is the responsible governmental entity to provide the victims and statutory victims with the relevant services:

The State Fund provides the following services for the (statutory) victims of human trafficking:

- A) Legal assistance (including legal representation in court)
- B) Psychological services (including rehabilitation and reintegration programs)
- C) Medical services
- D) Shelter services
- E) Compensation in the amount of 1000 Gel
- F) Hotline service

For the detailed information regarding the statistical data of the services of State Fund, please refer to Annex 3.

- **Legal Assistance**

The State Fund provides legal assistance for the (statutory) victims of human trafficking. The service includes: awareness raising in legal issues, preparing all the necessary legal documents, legal assistance including representation in court (if necessary, referral).

- **Psychological services**

The State Fund provides psychological service for the (statutory) victims of human trafficking. The service includes the following steps: individual and group psychological consultation and rehabilitation for the (statutory) victims of human trafficking, crisis intervention, emotional and psychological support, psychological education, assistance in defining their future perspectives/recovering control over their lives. Group rehabilitation is held once a week or once in 10 days and includes group work for the purpose of raising self-confidence and supporting relationships between the residents of shelter. Forming creative groups, which help the (statutory) victims of human trafficking to express themselves in different activities (painting, knitting, singing, dancing and etc), is one of the forms of group work.

The rehabilitation-reintegration program is carried out toward each beneficiary, living at the shelter, taking into consideration the following steps: interviewing beneficiaries and evaluation of their needs, assessment of risk of harm to beneficiaries and developing a security plan, working out a rehabilitation-reintegration plan, planning and ensuring psychological, medical, legal and social services; communication with other organizations and experts and coordination of services, if necessary.

- **Medical Service**

The State Fund provides medical service for the (statutory) victims of human trafficking, which includes the identification of health condition, medical needs, medical first aid and emergency services, providing basic medicines.

- **Shelter Services**

The State Fund subordinates two shelters for victims of human trafficking: in Batumi (opened in 2006) and in Tbilisi (opened in 2007).

The shelters are open for (statutory) victims of human trafficking regardless of their race, skin color, language, sex, religion, political or other opinions, national, ethnic and social affiliation, origin, property or social status, place of residence. The (statutory) victims of human trafficking can be placed at the shelters together with their dependents.

The shelter provides the following 24 hour free of charge service for beneficiaries and their dependents:

- f) a safe place to live, suitable for normal existence;
- g) nutrition and clothes;
- h) participation in the programs of integration into families and society;
- i) support minors to access to formal and non formal education;
- j) all the other activities that promote beneficiaries' complete development, the beneficiaries' personal data and shelter coordinates are kept confidential;
- g) other measures defined by the legislation of Georgia.

The services in shelters are also tailored to minors, taking into account their needs.

The State Fund is continuously monitoring the activities of shelters on a regular basis, by the visiting group, created at the central office.

- **Compensation**

Compensation in the amount of 1000 Gel is provided for the (statutory) victims of human trafficking.

- **Hotline Service**

A hotline for the victims of human trafficking is functioning at the State Fund. Anyone can call on the hotline: 2 100 229 and get qualified consultation and information about services of the State Fund. The service is free and anonymous.

*20. Further, GRETA considers that the Georgian authorities should step up their efforts to protect and safeguard the best interest of child victims of trafficking, including legal guardianship, appropriate accommodation, education and support programmes tailored to the needs of the child.*

Georgian Government acknowledges the importance of the protection of the best interest of child victims of human trafficking. Therefore, Pursuant to the recommendations of GRETA in April 2012 the Government of Georgia amended the Law on Combating against Trafficking and added a new chapter to the Law on child victims of trafficking in human beings, including individual risk assessment on the basis of the child's best interests.

Within the current set up of the State Fund system in Georgia not only children who are victims of human trafficking but also children accompanying their parents who had been trafficked, are provided with legal guardianship if necessary and are entitled and when such a need arises, receive the appropriate accommodation, age specific education and support programs tailored to the needs of the child.

The child victims or children accompanied to victims placed at shelters of State Fund are provided by different services in order to ensure their well being and provide proper education through the special programs. The specific services provided are:

- a safe place to live, suitable for normal existence;
- nutrition and clothes;
- participation in the programs of integration into families and society;
- support minors to access to formal and non formal education;
- all the other activities that promote beneficiaries' complete development, the beneficiaries' personal data and shelter coordinates are kept confidential;
- other measures defined by the legislation of Georgia.

In 2013, one minor victim and one dependent minor was provided with services by the State Fund, the number was 2 in 2014, both were dependent minors.

Furthermore criminal code of Georgia establishes special procedures in the cases when the minor is victim or witness, that also covers crimes of THB. According to these rules juvenile must be examined in the presence of his/her legal representative, or psychologist. If a juvenile is a witness or victim of sexual exploitation and sexual violence his/her examinations may be audio/video recorded with subsequent demonstration in a court session. A witness under the age of 14 years shall be told about his/her duty to tell only the truth, but shall not be warned about criminal liability for refusing to testify, giving false and substantially contradictory testimony. If a juvenile is a witness or victim of sexual exploitation and sexual violence the quantity of his/her examinations shall be minimized as possible and shall be determined only by necessities of the criminal procedure.

According to the Guidelines for the Law Enforcements on the Investigation and Prosecution of Trafficking Cases and Treatment with Victims and Statutory Victims of Trafficking in Persons, that was adopted by THB Council on February 12, 2014, the law enforcement must take special measures while interrogating the minors, in order to provide best protection to the child and to take into account their vulnerability.

Special measures are contained in the draft Special Operative Procedures to be undertaken by the investigators and operatives while interviewing the possible minor victim of THB. Namely, they are recommended to take into account the specific conditions relevant for identification of child victims.

*21. GRETA invites the Georgian authorities to:*

*- continue offering vocational training to victims of trafficking and providing them with access to the labour market in order to facilitate the reintegration of victims of trafficking into society and to avoid re-trafficking;*

Georgian anti-trafficking policy ensures the assistance services for the victims and statutory victims of human trafficking free of charge. The only precondition for becoming the beneficiary of state services is the status of victim or statutory victim of trafficking.

The victim of trafficking has the right to receive the state protection and assistance from the very moment of identification as a victim of trafficking till the full rehabilitation and re-socialization, and even if he/she refuses to cooperate with investigatory bodies.

Both victims of trafficking and statutory victims of trafficking receive similar legal assistance from Government of Georgia.

In addition, State Fund for the Protection and Assistance of Victims (Statutory) of Human Trafficking is the responsible governmental entity to provide the victims and statutory victims with the relevant services:

The State Fund provides the following services for the (statutory) victims of human trafficking with the purpose of rehabilitation and reintegration:

- G) Legal assistance (including legal representation in court)
- H) Psychological services (including rehabilitation and reintegration programs)
- I) Medical services
- J) Shelter services
- K) Compensation in the amount of 1000 Gel
- L) Hotline service

For the detailed information regarding the statistical data of the services of State Fund, please refer to Annex 3.

The rehabilitation-reintegration program is carried out toward each beneficiary, living at the shelter, taking into consideration the following steps: interviewing beneficiaries and evaluation of their needs, assessment of risk of harm to beneficiaries and developing a security plan, working out a rehabilitation-reintegration plan, planning and ensuring psychological, medical, legal and social services; communication with other organizations and experts and coordination of services, if necessary.

The services in shelters are also tailored to minors, taking into account their needs.

*- consider developing further the system of shelters for victims of trafficking, in particular by providing appropriate accommodation for children;*

Within the current set up of the State Fund system in Georgia not only children who are victims of human trafficking but also children accompanying their parents who had been trafficked, are provided with legal guardianship if necessary and are entitled and when such a need arises, receive the appropriate accommodation, age specific education and support programs tailored to the needs of the child.

The child victims or children accompanied to victims placed at shelters of State Fund are provided by different services in order to ensure their well being and provide proper education through the special programs. The specific services provided are:

- a safe place to live, suitable for normal existence;
- nutrition and clothes;
- participation in the programs of integration into families and society;



- support minors to access to formal and non formal education;
- all the other activities that promote beneficiaries' complete development, the beneficiaries' personal data and shelter coordinates are kept confidential;
- other measures defined by the legislation of Georgia.

In 2013, one minor victim and one dependent minor was provided with services by the State Fund, the number was 2 in 2014, both were dependent minors.

New Action Plan for 2015-2016 (adopted on 14 November 2014) foresees that the State Fund shall further ensure the interests and needs of the children in providing the services, including shelters.

*- address the need for sufficient and well-trained social workers so that victims of trafficking can receive appropriate assistance.*

Two permanent well-trained social workers are assigned at two shelters of State Fund (one in each in Batumi and Tbilisi). Both of them are actively working on rehabilitation and reintegration programs for victims of THB. A social worker of the shelter for the victims of human trafficking (structural unit of the State Fund) participated in two-day training organized by NGO "Partnerships for Human Rights". The topic of the training was violence against women with disabilities.

Future trainings are planned under the new Action Plan for 2015-2016 for staff of State Fund, including social workers.

### **Recovery and reflection period**

*22. GRETA urges the Georgian authorities to ensure that trafficked persons are systematically informed of the possibility to use a reflection period and that they are effectively granted such a period if they so wish.*

According to the law on Combating THB a victim of human trafficking shall be entitled to a 30-day reflection period to decide whether potential victim (statutory victim) wants to cooperate with the law enforcement bodies in proceedings related to the given crime. Countdown of the deliberation term starts from the date of addressing by the person the Service Agency for the Victims of Human Trafficking (Shelter), law enforcement bodies or the relevant institution.

The Georgian authorities - Police as well as the Mobile Groups and the State Fund - systematically in detail inform the victims of trafficking of their right to use reflection period and request compensation. This information is provided to THB victims in writing, as well as during the first interview. It must be also reiterated that the Georgian authorities have established all the mechanisms for effective access to legal aid by victims of THB to exercise this right as per the Georgian legislation. Provision of free legal is institutionalized for THB victims via the State Legal Aid Service or State Fund and the respective smoothly functioning procedures in the respective proceedings are in place.

*23. GRETA considers that the Georgian authorities should expand the aims of the 30-day reflection period to include the recovery of victims of trafficking from the trafficking experience, in line with the Convention.*

In practice the reflection period, does also serve as measure for recovery of victims from the trafficking experience. As victims are provided with physiological assistance, as well as they are provided with proper living conditions, and are involved in individual rehabilitation and reintegration programs.

### **Residence permits**

24. GRETA considers that the Georgian authorities should take steps to ensure that foreign victims of trafficking can take full advantage of the right to be granted a temporary residence permit by systematically providing them with information concerning their right to apply for such a permit, the procedure to be followed and the conditions to be met.

According to the Article 17(5) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons “*in case of a reasonable doubt that a person may be a victim of trafficking in human beings, he/she may be issued with a temporary residence permit*”.

Law enforcements as well as the State Fund - always inform the foreign victims of trafficking of their right to apply for residence permit. This information is provided to them systematically in an institutionalized manner in writing, as well as during the first interview. The information may be provided repeatedly at any point as well.

Georgian legislation doesn't differentiate the state services for domestic and foreign victims of human trafficking. The law and assistance is applied equally to all victims. Government of Georgia protects foreign victims as well as statutory victim of trafficking and provides the same services as the domestic victims and statutory victims of trafficking.

Foreign victims and statutory victims of trafficking are also granted with reflection period of 30 days to decide whether or not they want to cooperate with law enforcements. During the reflection period foreign victims (statutory) are granted the residence permit to stay in Georgia if there is reasonable doubt that the person is victim or statutory victim of trafficking. Furthermore, a foreign victim and statutory victim of trafficking may, at his/her request, be granted asylum on the territory of Georgia if there is reasonable ground to believe that his/her life, health or personal liberty will be under threat due to return to the country of origin. In addition, foreign victim victims and statutory victims of trafficking enjoy the right of work during the trial proceedings.

During the reflection period, foreign victim and statutory victim of trafficking are provided with temporary residence permit by the Ministry of Justice of Georgia based on a motion of a Service Agency for the Victims of Human Trafficking (Shelter) or a body in charge of proceedings. Pursuant to the Law on Combating Trafficking in Persons identity-related information given in the motion constitutes confidential information disclosure of which is punishable under law.

Also, it should be noted that if foreign victim and/or statutory victim of trafficking decides to cooperate with the law enforcement agencies in the process of proceedings on the given crime, he/she will be provided with a resident permit until the completion of the relevant criminal and/or civil proceedings. During this period, he/she has the right to work on the territory of Georgia and enjoy rights and guarantees established by the Labor Code of Georgia.

Following the expiry of the reflection period or upon completion of the relevant criminal proceedings, the Georgian Government takes all appropriate measures to safely return foreign victims and/or statutory victims of trafficking to their country of origin.

In addition, pursuant to the recent amendments of the Law, it also deals with the status and repatriation of child victims and/or statutory victim of trafficking who are nationals of foreign states or stateless persons. Child victim/statutory victim of trafficking who is national of foreign state or is stateless person is provided with temporary residence permit under the motion of the shelter or the body in charge of the proceedings. Furthermore, child victim/statutory victim of trafficking who is national of foreign state or is stateless person shall not be returned to the foreign state if there is reasonable doubt that the safety and security of the child is endangered. Special needs, psychological and health conditions shall be taken into account. Governmental agencies in cooperation with NGOs ensure assistance and rehabilitation programs for child victim/statutory victim of trafficking who are nationals of foreign states or stateless persons based on (taking into account) their needs and interests.

*25. GRETA invites the Georgian authorities to consider granting temporary residence permits to victims of trafficking on the basis of their personal situation and not only to those victims who agree to co-operate with the law enforcement authorities.*

Georgian Government appreciates GRETA's concern regarding the granting of temporary residence permit to victim/statutory victims of human trafficking and kindly clarifies that granting the residence permit is not directly depended on the cooperation with law enforcements. if a person has a status of a victim, a shelter or the State Fund may facilitate the application for acquiring the temporary residence permit, based on the Article 17(5) of the Law of Georgia on the Legal Status of Aliens and Stateless Persons, according to which "*in case of a reasonable doubt that a person may be a victim of trafficking in human beings, he/she may be issued with a temporary residence permit*".

The State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons (hereinafter – State Fund) established on the basis of the Law, in June 2006 ensures the protection of the victims and statutory victims of trafficking, as for nationals of Georgia and foreigners.

The victims of trafficking as well as statutory victims were beneficiaries of the services of State Fund. They may stay in shelter for 3 months; however, this term might be extended in certain circumstances based on the will of victim and order of the Director of the State Fund.

State Fund provides separate services for victims (statutory victims) of trafficking, including the shelters in Batumi and Tbilisi. Also, it should be noted that both shelters are equipped to respond the needs of minor victims/statutory victims of trafficking and accompanied minors.

Within the current set up of the State Fund system in Georgia not only children who are victims of human trafficking but also children accompanying their parents who had been trafficked are entitled and when such a need arises, receive the appropriate accommodation, age specific education and support programs tailored to the needs of the child. With this amendments Georgian legislation fully regulates issues regarding children in trafficking in line with international standards.

## **Compensation and legal redress**

*26. GRETA urges the Georgian authorities to provide information to all victims of trafficking concerning possibilities to obtain compensation and to ensure that they have effective access to legal aid in order to enable them to exercise their right to compensation from the State Fund and/or from the traffickers.*

All of the victims are provided with sufficient information concerning possibilities to obtain compensation and additionally are provided with free legal services in order to obtain compensation from the State Fund. Right to obtain compensation, as well as other rights of victims are largely covered during the informational meetings as well as in TV and radio programs dedicated to trafficking.

Victims of trafficking are informed about the possibilities of legal assistance and further compensation by the consular officer in foreign countries as well.

In 2012 6 victims were provided by compensation, in 2013 21 victims and in 2014 nine.

*27. In order to facilitate access to compensation by victims of trafficking, GRETA urges the Georgian authorities to ensure that they have an effective possibility of claiming compensation from traffickers, in either civil or criminal proceedings.*

Georgian legislation guarantees the right of victims/statutory victims of trafficking to request reimbursement of moral, physical or material damages, which he/she incurred as result of crime of human trafficking, in accordance with Civil Procedure Code and the Criminal Procedure Code of Georgia. In accordance with Article 16 of the Anti-Trafficking Law, victims of trafficking have the right to claim compensation in a civil court for moral, physical or material damages suffered.

In addition, victims have the right to request compensation from the State Fund, pursuant to the Operational Instructions for the Protection of Victims of THB and the “Rules and amounts for compensating victims of THB”, adopted by the Co-ordination Council on 26 November 2006. According to these provisions, even if it is impossible to get compensation from traffickers, victims of trafficking receive a one off compensation payment of 1 000 GEL from the State Fund. In order to receive this payment, he/she must have a status of victim of statutory victim. If a victim of trafficking is granted such compensation and the trafficker is later convicted, the allowance received does not prevent the victim from demanding reparation of material, moral and property damages from the trafficker.

In 2012 6 victims received compensations; in 2013 the number of victims who received compensation was 21 and in 2014 nine victims were granted with this type of compensation.

Victims/statutory victims of human trafficking are provided by State Fund with the information regarding their rights under civil and criminal procedure codes of Georgia, including on possibility of claiming compensation from traffickers.

### **Repatriation and return of victims**

*28. GRETA invites the Georgian authorities to consider conducting a review of the institutional and procedural framework for the return of victims of trafficking to ensure that due regard is taken to their safety, dignity and protection and to avoid their re-victimisation. In the case of children, a specific risk-assessment and process to determine the best interest of the child should be carried out.*

Government of Georgia closely cooperates with International Organization of Migration in relation to the safe return of foreign victims to their countries of origin. The State Fund is actively cooperating with the non-governmental organizations involved in the field of human trafficking. There are several memorandums signed between the State Fund and other non-governmental organizations on providing services. (International Organization for Migration, Georgian Young Lawyers' Association, Anti-Violence Network of Georgia). In 2014 The State Fund renewed memorandums with non-governmental organizations working in the field of human trafficking about service providing (International organization for Migration, Georgian Young Lawyers; Association, Anti-Violence Network of Georgia).

New Action Plan for 2014-2015 (adopted on 14 November 2014) foresees ensuring safe return of THB victims into their countries in line with CoE Convention on THB. In addition new action plan requires that the rehabilitation and reintegration programs shall be refined and adjusted to new trends of THB.

*29. Further, GRETA invites the Georgian authorities to continue their co-operation with the national authorities, NGOs and international organizations in countries from which Georgian nationals victims of THB are repatriated, as well as in countries of return of victims of trafficking identified in Georgia.*

Government of Georgia pays particular attention to the protection of THB victims abroad through the consular units. For Diplomatic Representations/Consular posts of Georgia abroad the main competence in terms of protecting and assisting victims of trafficking abroad is to ensure their safe return on the territory of Georgia, provide them with the subsequent documentation (as travel document for return to Georgia). And if required cooperate with the competent authorities of receiving state on different issues (on effective law enforcement and investigation process, providing of shelter, granting of status and subsequent compensation). Appropriate information is also transferred to the relevant authorities of Georgia.

Georgian authorities are actively cooperating with IOM, in terms of protecting and providing victims with safe return.

Apart from this, Government of Georgia pays particular attention to expanding international cooperation in combating cross-border trafficking. Government of Georgia also closely cooperates with the US and Austrian law enforcements and general secretariat of Interpol. Government of Georgia receives and sends the legal requests on mutual legal assistance to the partner states.

In addition, on August 30, 2013 one alleged THB perpetrator was extradited to Turkey. There are still 2 pending extradition cases.

For further information regarding the MLA requests and extradition cases please refer to Annex 2.

In November, 2013 meeting was held between the representatives of Ministry of Justice of Georgia, Chief Prosecutor's Office of Georgia and the Ministry of Justice of Turkey in Turkey. The participants of the meeting came up to establish working groups on particular terms to promote the inter-governmental cooperation which fall within their competence. Also, in April 2014, the Training Center of Justice of Georgia and Training Center of Justice of Turkey concluded the Memorandum of Understanding to train the staff of the ministries.

## **Investigation, prosecution and procedural law**

*30. GRETA urges the Georgian authorities to review the legislation in order to fully reflect the aggravating circumstances included in the Convention, in particular when the crime of THB is committed by a public official in the performance of his/her duties.*

Georgian authorities acknowledge the importance of the revision of national legislation to meet international standards and ensure the effective investigation of human trafficking cases. For that reason, as it was mentioned above Working Group under THB Council elaborated the amendment of the Note of THB article of Criminal Code of Georgia, which defines the term of exploitation. The amendment enacted on May 29, 2014. After entry into force the amendments, the Criminal Code of Georgia became unambiguous in the light of THB and its application is considerably easier for investigatory as well as judicial bodies. IOM and UNODC made the comments and recommendations to the draft of the amendment. Their feedback was reflected to the Note. Also, the sanctions of the crime were revised. As a result, sanctions are increased, namely, supplementary sanctions for trafficking are deprivation of the right to occupy a position or pursue a particular activity for 3 years instead of 2 years.

As for the aggravating circumstances, it should be noted that Article 143<sup>1</sup>-143<sup>3</sup> envisages the abuse of power as an aggravating circumstances. The crime of THB is committed by a public official in the performance of his/her duties, is envisaged in the composition – disposition of the Article 143<sup>1</sup> with the following wording: “by abusing power”. This is the formulation in the Georgian criminal legislation equal to the “public official in the performance of his/her duties”, as provided in the Convention. At the same time

*31. Further, GRETA urges the Georgian authorities to explore the reasons for the non-application of the measure for confiscation of assets in cases of THB.*

Working Group composed of prosecutors, investigators and representatives of the secretariat of the Council elaborated guidelines for law enforcements. The guidelines help investigators and prosecutors to identify THB victims and give a proper legal qualification to the case. In addition, guidelines give the proper interpretation of THB Article of Criminal Code of Georgia. One of the recommendations of the guidelines is that during the investigation it is absolutely necessary to be established approximately what amount of gain was obtained by the suspected trafficker. In accordance with Article 13(5) of the Anti-Trafficking Law and Article 52 of the Criminal Code of Georgia the property of human trafficker may be confiscated in case it is acquired by criminal means.

Furthermore, in case such illegal revenues are already legalized, law enforcement officials will initiate investigations on crime under Article 194 of Criminal Code of Georgia (money laundering).

*32. GRETA considers that the Georgian authorities should:*

*- Step up the proactive investigation of cases of THB for the purpose of sexual and labour exploitation;*

Proactive investigation of the cases of sexual and labor exploitation became one of the top priorities for Georgian law enforcements. For that aim number of activities was implemented within the law enforcement agencies:

1. In March, 2013, Georgia adopted new National Action Plan (NAP) focused on proactive methods of victim identification and developing efficient tools in order to increase number of prosecutions. For the effective implementation of NAP, 3 THB inspection mobile groups composed of representatives of law enforcements agencies were created under Ministry of Internal Affairs, which regularly operate in the high risk areas. The mobile groups also check organizations with vague job offers in Georgia and abroad. Law enforcements regularly interview Georgian nationals deported from Turkey and European countries with a view to revealing potential THB cases.
2. In order to fight against trafficking more effectively, and include the places where facts of trafficking are detected more often, a decision has been made, and in the month of January, 2014, Division of Fight against Trafficking and Illegal Migration was formed and since then is functioning in the Division of Autonomous Republic of Adjara of the Department of Criminal Police of the Ministry of Internal Affairs. Main competence of the above-mentioned Division is to reveal facts of trafficking, carry out preventive activities, detect organizations and persons that belong to risk-groups, identify victims of trafficking, carry out operational-search and investigative activities in connection with the facts of trafficking and launch investigations into criminal cases, identify victims, help them in coordination with the state fund, also to identify persons, who had committed the crime of trafficking, detain them and criminally prosecute.
3. In addition, on February 27, 2014 Memorandum of Understanding was signed between the Ministry of Internal Affairs, the Chief Prosecutor's Office and the International Organization for Migration on the principles of cooperation in the area of capacity building of law enforcement agencies in combating trafficking of human beings. The signatories to this memorandum will do their best to act against trafficking in persons in an effective, active, united and coordinated manner. On the base of the memorandum, the Task Force has been established in Adjara region. The Task Force, consisting of 12 acting investigators (7) and prosecutors (5), will jointly reveal facts of trafficking primarily focused on the Adjara region.
4. In addition, Government of Georgia acknowledges the importance of proactive investigation of THB cases. Therefore, Working Group composed of prosecutors, investigators and representatives of the secretariat of the Council elaborated guidelines for law enforcements. The guidelines help investigators and prosecutors to identify THB victims and give a proper legal qualification to the case. In addition, guidelines give the proper interpretation of THB Article of Criminal Code of Georgia.
5. Furthermore, Working Group of THB Council has drafted the Standard Operation Procedures (S.O.P.s) for the investigators and members of the mobile groups, which will help them to identify potential THB victims and collect all relevant information related to THB case.

Furthermore, Division of Fight against Trafficking and Illegal Migration fights against trafficking by carrying out combinations of a number of operational and investigative activities, namely, according to the Criminal Procedure Code of Georgia, an investigation is being launched on the basis of the information about the crime, including the application of a citizen or/and written application received from another agency, in case there are specific elements of a crime. Division of Fight against Trafficking and Illegal Migration of the Criminal Police department of the Ministry of Internal Affairs conducts an investigation into facts of trafficking. According to the Criminal Procedure Code of Georgia, prosecutor renders a resolution on recognition as a victim of the person, who had suffered the physical, material or moral harm as a result of the commission of



the crime under the criminal Code, the victim is explained his/her rights that he/she has a right to use the service of the state fund, free legal and medical assistance and temporary residence.

In addition, law enforcements are permanently trained in order to develop their skills and promote their capacity building with regard to THB.

*- continue to ensure that the life and safety of victims of trafficking and of those assisting them are adequately protected during court proceedings;*

Georgian legislation ensures the Witness and Victim Coordination Service, which is functioning in the system of the prosecution office of Georgia. The main function of the Witness and the victim Coordination Service is to facilitate communication between citizens and prosecutor (court) and to provide them with detailed information related to the progress of proceedings. This also encourages the potential victim/statutory victim of trafficking to cooperate with law enforcement. The Witnesses and Victim Coordination Service operates in different regions of Georgia. In order to promote the capacity building of Witness and Victim Coordination Service on THB issues, training on trafficking was organized on March 1-2, 2014 by Chief Prosecutor's Office, State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking, IOM and NGO "Sakhli". 13 victim and witness coordinators participated in the trainings.

*- address the lack of application of the special protection measures to victims of trafficking;*

Special protection measures prescribed by the Criminal Procedure Code of Georgia may be applied in cases of the crime of human trafficking if there are reasonable ground to believe that life or health of witnesses or victims will be under threat or damage. The statutory victim of human trafficking have the right to request protection of their own security and security of their family members at any time. At the request of statutory victims special protection measures may be applied in accordance with procedures established by the criminal procedure code of Georgia. During the reporting period victims/statutory victims of human trafficking did not use Special Protection Service. Reason of this is that victims or statutory victims of human trafficking after granting the status is explained on his/her rights, available services of State Fund, free legal aid and medical assistance, temporary accommodation in shelter. With the consent of the victim of human trafficking authorities ensure his/her accommodation in Service Agency of the Victim of human trafficking (Shelter) – a dwelling that is appropriate for decent and safe being. Service Agency of the Victim of human trafficking (Shelter) ensure personal security while the statutory (victim) of human trafficking is in the Service Agency of the Victim of human trafficking (Shelter).

*- address the significant reduction of prosecutions and convictions since 2010.*

Please refer to Annex 1, Annex 2 and Annex 3.

## Annex 1

- Statistics

	2012	2013	2014 (October)
Investigation	10	11	8
Prosecution	1	5	6 <sup>2</sup>
Cases sent to the court	1	4	5
Conviction	1	2	4
Statutory victim	3	10	6
Convicted trafficker	1	2	4
Extradition	0	1	0 <sup>3</sup>

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<sup>2</sup> 5 persons were prosecuted for 6 charges

<sup>3</sup> 2 pending cases

Annex 2

Statistics on Mutual Legal Assistance on Criminal Matters

- Sent and received legal requests (2012)

	Country	Number	Status	
			Pending	Finished
Received	Ukraine	1	0	1
	Uzbekistan	1	0	1
Sent	Turkey	2	1	1

- Sent and received legal requests (2013)

	Country	Number	Status	
			Pending	Finished
Received	-	-	-	-
Sent	Turkey	2	1	1
	Israel	1	0	1

- Sent and received legal requests (2014)

	Country	Number	Status	
			Pending	Finished
Received	Turkey	3	1	2
Sent	-	-	-	-

- Extradition 2013

	Country	Number	Status	
			Pending	Finished
Received <sup>4</sup>	Turkey	1	0	1

- Extradition 2014

	Country	Number	Status	
			Pending	Finished
Received <sup>5</sup>	Turkey	1	1	-
	The Netherlands	1	1	-

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<sup>4</sup> THB Perpetrator was extradited to Turkey;

<sup>5</sup> THB Perpetrator was extradited to Turkey;

Annex 3

Statistics of the services of State Fund for the Protection and Assistance of (Statutory) Victims of Human Beings by years



