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**Reply from Georgia  
to the Questionnaire for the evaluation of the implementation  
of the Council of Europe Convention on Action against  
Trafficking in Human Beings by the Parties**

**Second evaluation round  
(Reply submitted on 3 February 2015)**

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

According to the analysis of the profiles of (statutory) victims (statutory) a vulnerable group of persons who are at risk of sex trafficking or labour trafficking in Georgia are unemployed women, illegal women migrants (especially from central Asian countries), socially vulnerable people and juvenile young girls. Fortunately Georgia has not the facts of trafficking for organ removal.

The analyses of the THB cases revealed that the methods and means of trafficking of alleged perpetrators have been changed. Non-physical forms of coercion, instead of deprivation of personal documents or placing someone in modern conditions of slavery, is widely used by alleged traffickers.

- any changes in your country's laws and regulations relevant to action against THB;

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 provisions on individual risk assessment on the basis of the child's best interests. (*ANNEX 1* - Chapter IV<sup>1</sup> of the Law on Combating THB of Georgia in GEO and ENG)

Government of Georgia acknowledges the importance of effective and proactive investigation of THB cases. For that reason, Working Group under THB Council elaborated the amendments 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 amendments. 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. (*ANNEX 2* – Article 143<sup>1</sup> of Criminal Code of Georgia on THB as amended in May, 2014 GEO and ENG).

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities

specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

Combating Trafficking in Persons is one of the key priorities for the Government of Georgia (GoG). In this regard governmental policy is entirely focused on so called 4 Ps and GoG is committed to adopt efficient measures in order to enhance Prevention, Protection, Prosecution and Partnership with active participation of all stakeholders in the field, including local NGOs.

Combating trafficking requires concerted interagency policy in implementation of the law. In this respect the role of the Interagency Council on Combating Trafficking in Human Beings (THB Council) set up in 2006 remains indispensable in adopting serious and sustainable measures and coordinating inter agency policy in combating THB. The Council chaired by the Minister of Justice of Georgia is inclusive and includes representatives from all line ministries and agencies (Ministry of internal Affairs, Chief Prosecutor's Office, Ministry of Foreign Affairs, Ministry of Labour, Health and Social Affairs, Ministry of Economy and Sustainable Development, Ministry of Education and Science, State Ministry on Diaspora Issues, Parliamentary Secretary of Government of Georgia, LEPL State Fund for the Protection and Assistance of (statutory) Victims of Trafficking and Public Defender's Office). Furthermore, NGOs and international organizations are actively involved in the working of the council. In particular, the following organisations are cooperating with council: UNICEF, International Organization for Migration (IOM), "Georgian Young Lawyers Association", "Tanadgoma", "Anti-Violence Network of Georgia", "Civil Development Agency", "Women's Information Center", "Migration Center", "Save the Children", "Caritas Georgia". The permanent group under the Inter-Agency Council, responsible for granting victim status to identified persons is solely composed by local NGOs and representative of IOM.

The council regularly conducts meetings usually twice in a year, with the participation of all relevant agencies and international and non-governmental organizations. Representatives of all responsible agencies are always actively involved in working groups established by the Council. During the 2012-2014 council established following thematic working groups: Working group on amending legislation in order to make term "exploitation" in Criminal Code of Georgia in line with international standards; Working group on developing guidelines for law enforcement officers for investigating and prosecuting cases of trafficking, Working group on developing Standard Operative Procedures (SOPs) for identification of possible victims of trafficking, Working group on identification of trafficking related problems encountered by children working and living in the streets and elaboration of counter measures.

## Monitoring of the implementation of National Action Plan

The secretariat of Inter-Agency Coordinating Council, regularly requests information from relevant agencies regarding the implementation of the action plan. Based on the obtained information yearly reports are prepared and disseminated, as well as published on the official web-site of the Inter-agency Coordinating Council: <http://www.justice.gov.ge/Ministry/Department/309>.

The final report of the 2013-2014 Action Plan will be prepared and published in February, 2015 by the secretariat of Inter-Agency Coordinating Council.

- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

The current action plan for 2015-2016 was adopted by the Council in November 2014, the action plan takes into account the recommendations of international organizations and partner countries, and provides main objectives for 2015 and 2016. Action plan aims at in **terms of prevention**: Raising public awareness on THB crimes and the state mechanisms on combating trafficking in persons; Identification of children working and living in the streets and informing them and other minors regarding the THB; **In terms of protection of victims**: Efficient functioning of shelters for victims of THB; Voluntary and safe return of THB victims to place of their habitual residence and support of their rehabilitation; **In terms of prosecution**: Implementation of proactive approaches and improvement of investigation techniques for THB cases in line with international best practice; Proactive identification of THB cases; **In terms of Capacity building of professionals dealing with THB**: Professional trainings for law enforcement to improve the investigation of THB cases; Professional trainings for the judiciary; Development the skills and qualification of the employees of State Fund; Organizing joint workshop for prosecutors and judges; **In terms of Partnership and Internal coordination: reporting the implementation of the action plan**, Enhancement of partnership with civil society organizations; Further development of international cooperation on THB; Drafting and adoption of national action plan. (See *ANNEX 3* - Action Plan 2015-2016 GEO and *ANNEX 4* - Action Plan 2015-2016 ENG).

The budget for the implementation of the Action Plan is allocated by each agency, as well as there is prospective donor funding foreseen. All ministries being members of the Inter-Agency Council are responsible to conduct activities under the action plan.

Evaluation and monitoring of implementing of Action Plan will be provided by secretariat of Inter-Agency council, through the regular request of information regarding the measures undertaken by

relevant agencies and publishing and disseminating prepared reports. In case of necessity special meetings will be devoted for considering issues related to implementation of action plan.

## **B. Cross-cutting questions**

### **Gender equality (Articles 1.1.b, 5.3 and 17)**

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

Georgian Anti-THB policy provides equal protection and assistance 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 is the member of the Parliament of Georgia as an invited member of the Anti-Trafficking 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 directions 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. The strategy and action plan also contains provisions regarding the combating THB. (*ANNEX 5 - Human Rights Strategy 2014-2020 GEO/ENG* and *ANNEX 6 - Action Plan of Human Rights Strategy GEO/ENG*).

Additionally, government of Georgia, in order to support socially vulnerable population, including women and girls, implements program that aims at providing minimum monthly allowances to those who meet some criteria defined by the regulations and who are below the poverty line. (State Program on assisting socially vulnerable population).

### **Non-discrimination (Article 3)**

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

According to the article 17 of Anti-trafficking law of Georgia the Protection, assistance, rehabilitation and reintegration of (statutory) victims of human trafficking shall imply the combination of those legal, social and organizational measures that provide for inadmissibility of discrimination against victims of human trafficking.

In April 29, 2014 Director of the State Fund for Protection and Assistance of (statutory) Victims of Human Trafficking (LEPL) issued order #07-70/o, which approved Internal Regulation of the Shelter of the victims of Human Trafficking. By the article 5 of the Regulation access to shelter is available without discrimination: regardless of their race, colour, language, sex, religion, political or other opinion, national, ethnic or social origin, property and social conditions, place of residence. (*ANNEX 7* - April 29, 2014 Order of the Director of State Fund).

Additionally, according to the law any THB victim who doesn't know the state language is granted with service of an interpreter. Also, the state provides victims with legal service in language that is easy to understand by the victim. State Fund for the assistance and protection of victims regularly trains its staff in order to ensure efficient service for THB victims.

Additionally, Georgia strengthened its anti-discrimination legislation in recent months. Namely the Law of Georgia on the Elimination of All Forms of Discrimination was adopted unanimously by the Parliament on 2 May 2014 and entered into force on 7 May 2014. Representatives of civil sector have been actively involved in its elaboration. Among them were organizations working on human rights issues, gender equality, ethnic and religious minority representatives and etc. At the same time, the draft law went through international expertise: recommendations from ODIHR, ECRI, OHCHR and international experts have been received and reflected in the draft. Purpose of the law shall be elimination of all forms of discrimination and ensure for every person equal enjoyment of rights prescribed by law irrespective of any ground. Any form of discrimination, being it direct, indirect or multiple, shall be prohibited in Georgia. Special and provisional measures aimed at encouraging equality, particularly in gender issues, shall not be considered as discrimination. Discrimination shall be prohibited in all spheres, both public and private. Elimination of discrimination and ensuring of equality shall be monitored and controlled by an independent body – Public Defender of Georgia. (*ANNEX 8* - Law on Elimination of All Forms of Discrimination GEO and ENG);



4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

The Migration Department within the MIA, responsible for the detection and expulsion of foreigners illegally residing on the territory of Georgia has been established by the order #588 of 6 August, 2014 of the Minister of Internal Affairs of Georgia. The department officially commenced functioning as of September 1, 2014. According to the statute of the Department, its functions include: detection and identification of aliens illegally residing on the territory of Georgia, ensuring removal (expulsion) of aliens residing without legal grounds in accordance with the law, implementation of readmission agreements of Georgia, processing and analysis of relevant statistical information, when necessary preparing relevant legislative amendments, providing legal consultations to aliens, residing without legal grounds, management of Temporary Accommodation Centre, cooperating with relevant national and international actors within their competence and any other function that may arise while performing their duties.

#### *Temporary Accommodation Center of the MIA Migration Department*

The construction of the Temporary Accommodation Centre for the foreigners staying in Georgia without proper legal grounds is already completed. The Centre commenced functioning from 1 September, 2014. The Centre is used for the accommodation of the foreigners staying in Georgia without the relevant legal grounds. The construction of the Centre was financed by the Government of Georgia. The accommodation center was constructed with the support of and active cooperation with international partners and donors and is built / equipped in compliance with international standards. Detainees will be provided with medical and psychological support.

Ministry of Internal Affairs plans to provide proper trainings on THB issues for the staff members of the center. The training module will be focused on THB victim identification and follow up responsibilities. The staff will be trained on the services provided by state for the protection of victims of the THB and victims referral mechanism to the State Fund for the protection and assistance of the victims of THB

State Fund provides services to this type of victims without discrimination as law as well as internal regulations for State Fund forbid any kind of discrimination.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

As mentioned above the basic legislation (constitution, anti-discrimination legislation and law on combating THB) as well as internal regulations of State Fund restricts any kind of discrimination among the victims of THB, and they must be provided with services relevant to their conditions and vulnerability.

The male victims are entitled to receive same services as females by the State Fund and latter is also responsible to provide assistance on the bases of individual necessities to the male victims. Additionally, accommodation provided by State Fund is suitable for needs of male victims too. In 2012 one, in 2013 twenty five and in 2014 two men were provided with at least one service of the State Fund.

#### **Training of relevant professionals (Articles 10 and 29)**

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

Government of Georgia pays particular attention to the capacity building trainings for the officials working on THB issues.

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 human beings is one of the topics in the curriculum of the Police Academy at the Ministry of Internal Affairs of Georgia. During the mandatory 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, Main prosecutors office and the Ministry of Justice, closely cooperate with the non-governmental and international organizations and due to the fruitful cooperation implements the joint projects on THB issues, cooperation includes analyzing the needs for trainings, developing training modules and implementing such trainings on later stage. As a result of such cooperation with

International Organization for 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.

For that aim, number of professional trainings were organized:

- a) 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);
- b) 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 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 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;
- c) 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 (International Organization for Migration);
- d) 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”;
- e) On July 1-2, 2013 THB training was held for the law enforcements at MoIA Academy. 16 law enforcements participated in the training, which was financially supported by IOM;
- f) On September 20-21, 2013 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. The training was attended by 13 judges and the topics covered by the training include:
  1. Comparison of 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 of the child;
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. In addition, one anti-THB training is also included in 2014 re-training program of judges.

- g) 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;
- h) 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 The Ministry of Justice, Ministry of Defence and State Fund for the Protection and Assistance of (Statutory) Victims of Trafficking;
- i) 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;
- j) On April 29 - May 2, 2014, training for the counter-trafficking Task Force (12 law enforcers) was held in Batumi.
- k) 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 (US Bureau for International Narcotics and Law Enforcement Affairs) and THB Council;
- l) 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;
- m) 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 prosecutors' offices

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

- n) In 2014, 57 trainee-prosecutors were admitted to the Prosecutors Office of Georgia, with a possibility of their future appointments as prosecutors. Trainee-prosecutors are provided with the special course before starting practicing. The curriculum of the course includes topics regarding the trafficking and violence against women;
- o) On 14-17 October 2014 law enforcement officers from Unit on Combating with Illegal Migration and THB of Central Criminal Police Department of MIA participated in course on “prevention of crime committed by juveniles and protection of child victims” conducted in Police Academy.
- p) In December, 2014 law enforcement officials from MIA and Prosecutor’s Office were trained on the issues related to state policy on trafficking, including major principles of pro-active identification of victims and pro-active investigation.

Apart from this, On May 21-22, 2013 MoIA representative participated in the Working Group meeting devoted to the rights of trafficking victims under “The Eastern Partnership Panel on Migration and Asylum Seekers” in Warsaw, Poland. The EG meeting covered the following issues: victim protection, minor sexual exploitation, cooperation between law enforcements and NGOs, national referral mechanism, etc.

On 2-3 July and 9-10 December of 2013, in Kiev, were held meetings of the GUAM working subgroup for combating Trafficking in Persons and illegal migration which was also attended by the representatives of the US Embassy to Ukraine and International Organization for Migration. Representatives of MoIA participated in the meeting.

On June 10-11, 2014 representatives of Ministry of Internal Affairs and Ministry of Justice of Georgia participated in the Eastern Partnership Panel on Migration and Asylum, where the issues related to trafficking and smuggling were broadly discussed between the participants.

In November, 2014 representative of the Central Criminal Police Department of MIA participated in international conference in Zagreb, Croatia, on issues related to trafficking for the purposes of forced begging.

In November, 2014 representative of MIA participated in fifth annual international symposium on prevention of trafficking, protection of victims, and prosecution of offenders in Brussels Germany.

In November, 2014 representative of Mia participated in international conference organized by INTERPOL dedicated to trafficking related issues.

Apart from this State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking frequently conducts meetings and trainings with different target groups in order to increase awareness and capacity of the different professionals to deal with issues related to trafficking:

- 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.

Needs and contents of trainings are identified by the experts participating in the working groups of THB Council, based on: the obligations set by National Action Plan, changes in the legislation, new challenges linked with modern trends of THB; new staff members etc. The funds for implementation of trainings usually comes from allocations by the agencies, however in many cases IOM, EU and US state are funding specific trainings. Often, they also provide intellectual assistance through the bringing international experts to Georgia for capacity building of professionals working on THB issues.

**Special measures concerning children** (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

Issues related to trafficking of minors are largely covered by the working of the Inter-Agency Coordinating Council and all relevant agencies are involved in handling THB problems related to the children. The leading institution for the policy implementation is the THB Council and line ministries are implementing different activities in order to prevent THB against children, to identify victims, to investigate crimes and effectively prosecute perpetrators as well as to provide effective protection and rehabilitation measures to child victims.

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 provisions on individual risk assessment on the basis of the child's best interests.

Special attention has been devoted to address the problem of "kids working and living on the streets", in this regard special working group under the Inter-Agency Coordinating Council has been established. The WG is responsible for developing conceptual document for the activities against the THB of children working and living in streets. Draft amendments to the law regulating social programs for the assistance and protection of the children without shelters have been developed and is currently under the consideration by the relevant state agencies. As result of the amendments the documents for the children working and living in the streets will be issued in a shorter period of time and bureaucracy as an obstacle for obtaining such documents will be diminished. Additionally, amendments to the referral mechanism against children violence were elaborated. The new referral mechanism will be approved by the Government of Georgia, unlike former, which was adopted by the order of three ministers. According to the amendments more state authorities will be obliged to interfere in cases of violence against children and clear regulations will be established on concrete measures to be undertake in the cases of violence against children by each state authority.

2015-2016 National Action Plan contains specific provisions for prevention THB against children, as well as for identification child victims and proactive investigation of the cases involving child victims.

Shelters for victims of human trafficking created under the State Fund are also accessible for minor victims of human trafficking as well as for dependant minors (aged under 18). Within the current set up



of the State Fund system in Georgia children who are victims of THB, as well as children accompanying their parents who had been trafficked, are provided with legal guardianship if necessary, they are entitled and when such a need arises, receive the appropriate accommodation, age specific education and support programs tailored to their needs. The child victims or children accompanied to victims placed at shelters of State Fund are provided by different services in order to ensure their wellbeing and provide them proper education (formal / non formal) through the special programs.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment<sup>1</sup> for them, including through:
- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;

The relevant agency (State Service Development Agency) ensures registration of children of citizens of Georgia, as well as of children of stateless persons who have status in Georgia if the child is born abroad, the same agency ensures registration of all children at birth in Georgia. If the child is born in the medical setting, its head is obliged to electronically notify registering agency regarding the birth of the new child no later than 5 days after the birth. If the child is born outside of the medical setting the fact of the birth of the child must be established and upon the decision of the registration body the fact of birth of child's will be registered.

In order to increase geographical coverage of state services, including services of registering children at birth, Ministry of Justice of Georgia regularly opens new service centers in the different regions, including in small towns and villages, thus the local population has minimum geographical obstacles to obtain necessary services from the state. Additionally, due to the reforms conducted in recent years the minimum beauroctatic procedures are established for taking certificates of registering civil acts. This also encourages parents for registering children at birth.

Additionally, the special mobile groups are established under the Ministry of Labor, health and Social Affairs which are in charge of providing assistance to children living and working in the streets. The

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<sup>1</sup> The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

assistance also covers settlement of document related problems to such children and their family members.

b. raising awareness of THB through education;

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.

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.

Within the framework of the Strategy number of other activities have been 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>2</sup> in close cooperation with 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.
- c. training professionals working with children.

All training organized on THB always take into account issues related to minor victims.

Within the Ministry of Internal Affairs, Police Academy is the structure, responsible for training of candidates to be required by police as well as retraining of acting police officers.

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<sup>2</sup> “Leader House” is implemented by LEPL Center for Crime Prevention of MOJ

Each individual, undergoing basic training course in the Academy has to get acquainted with the following subjects as a part of the basic training curriculum:

- Human rights and code of police ethics;
- Main aspects of CRC and relevant international legislation;
- Local legislation concerning juveniles;
- Skills of child interviewing;
- Technique of identification of abused juvenile.

According to the amendments to the criminal procedure code made in 2008, the investigator, prosecutor and judge who conduct proceedings involving juveniles, are required to have a certificate of pedagogy – psychology. Therefore, since 2009 in the basic course of academy of the Ministry of Internal Affairs was created the subject “pedagogy-psychology”.

Ministry of Labor, Health and Social Affairs regularly trains its staff working on the children who are left without family care and shelters. They also train physiologists and social workers being members of the mobile groups who are identifying children living and working in the streets, as well as employees of child care institutions on children rights, psychosocial rehabilitation of children.

Ministry of Justice is currently working on the independent Code on Juvenile Criminal Justice, according to the project elaborated within the ministry only specially trained professionals shall be entitled to take part in the criminal justice process involving juveniles whether as alleged offenders or as witnesses or victims. These professionals will be equipped with special knowledge regarding the specialities of working with child victims and witnesses, for this purpose special training are ongoing. The draft Code is currently under consideration by interested organizations and it will be soon submitted to the parliament of the Georgia.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

According to the Criminal Procedure Code of Georgia as well as Law on Combating THB if the age of a victim is not defined and there is a doubt that she/he is a minor, a victim is assumed as a child. Law-enforcement bodies define the age according to the civil registry information. In case such kind of documentation is not available a forensic examination shall be conducted.

In 2012-2014 all beneficiaries of the Fund, who were provided with services, had identification documents. Consequently, in these cases there was no reason to doubt in their age. In case of the beneficiary's unidentified age (not having a document that will help us to determine the age) when there is a doubt about his/her adulthood he/she will be considered a minor until his/her age is determined. The Fund will act in accordance with the proper measures. In addition, these issues are regulated by the law of Georgia on Combating Human Trafficking (Article 18 (7)). By the law "if the age of (statutory) victim of human trafficking is not determined and there are reasonable ground to believe that the (statutory) victim of human trafficking is a minor, he/she shall be regarded as a minor and he/she will be subject to special protection measures until the determination of his/her age".

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>3</sup> are duly taken into consideration, in particular when it comes to:

a. identification of child victims of trafficking;

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.

Additionally special measures are contained in the Special Operative Procedures, to be undertaken by the investigators and operatives while interviewing the possible minor victim of THB. Namely, they are

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<sup>3</sup> "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

recommended to take into account the specific conditions relevant for identification of child victims. The SOPs were approved by the Minister of Internal Affairs of Georgia in January, 2015.

- b. appointing a legal guardian, organization or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;

According to the Law on Combating THB in case the minor is identified as a statutory victim, relevant investigator must take measures to immediately contact the minor's family. If it is impossible to find minor's family, the representative of State Fund is immediately involved in case proceedings. Guardian may be appointed to the child victim/statutory victim of trafficking in accordance with Georgian legislation. In this case the Fund immediately notifies and involves LEPL- Social Service Agency. The Social Service Agency with close cooperation with the Fund organizes and implements all activities regarding the minors, such as custodial care (guardianship), supporting formal / non-formal education, family (re)integration program and etc. The minors in shelters are provided with special attention and care.

- c. locating the child's family;

According to the Law on Combating THB authorized Governmental Agencies take all appropriate measures to identify the child victim/statutory victim of trafficking, his/her nationality, parents and family whereabouts. Additionally, according to the Guidelines for law enforcement if the minor is without any legal representative, law enforcements should immediately contact to minor's family. If it is impossible to find minor's family, the representative of State Fund should be immediately involved in case proceedings.

- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

According to the Criminal Procedure Code of Georgia the Court is entitled to close proceedings by its own initiative or on the grounds of the motion of party in order to defend interests of the minor. The court can impose obligation of not revealing facts related to case on the person who is attending on the close proceedings.

Additionally, law on Combating Trafficking provides that the identity and other personal data of child victim/statutory victim of trafficking is confidential (including for the media), except of the cases established under the Law, when the confidential information is necessary to identify his/her parents and family whereabouts and disclosure of the information doesn't endanger the safety of the child victim/statutory victim of trafficking.

In order to protect Human Rights in the process of the working on the personal data Government of Georgia elaborated and then Parliament of Georgia adopted law on Personal Data Protection in December 2011. This law establishes general rules for working on personal data and provides guarantees that personal information is not unduly available for the public, including information regarding the children. (*ANNEX 9* - Law on Personal Data Protection GEO and ENG)

Guidelines for the Law Enforcements on the Investigation and Prosecution of Trafficking Cases and Treatment with Victims and Statutory Victims of Trafficking in Human Beings (Guidelines) specifically addresses the issues of confidentiality of information regarding the THB victims, include minor victims. It also underlines that the prosecutor is entitled to submit motion for the closure of proceedings in the court when minor victim is involved.

According to the decree adopted by the Government of Georgia on "Common Standards and rules for THB Victim Identification", any information regarding the person who might be victim of trafficking shall be protected and not disclosed to the public, notwithstanding whether she or he was given status of victim of trafficking or not. (*ANNEX 10* - Common standards and rules on THB victim identification GEO).

The obligation of the not disclosure information regarding the possible victim is imposed on members of the permanent group on victim identification under the document adopted by the Inter-Agency Council regulating functions of permanent group. (*ANNEX 11* - Composition and rules of procedure of permanent group on identification of the victims of THB GEO). The document indicates that disclosure of such information will cause liability under the law.

- e. access to appropriate and secure accommodation, education and health care;

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 wellbeing 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.

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.

- f. issuing residence permits for child victims of trafficking;

Article 24<sup>4</sup> of Law on combating THB of Georgia guarantees that minors who are not citizens of Georgia or do not permanently live on the territory of Georgia are provided with residence permit that is issued by the relevant agency on the grounds of motion submitted either by victim service provider or body conducting proceedings on the criminal case of the trafficking (Ministry of Internal Affairs or Prosecutor's Office of Georgia).

According to the **Law of Georgia on the Legal Status of Aliens and Stateless Persons** a **special residence permit** shall be issued to an alien who is reasonably assumed to be a victim of or affected by the trafficking in human beings in the cases provided by the Law of Georgia on Combating THB. Governmental decree on **Approving Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits** states that residence permit shall be issued for the period of an alien's anticipated stay in Georgia, but for not more than six years and temporary Georgian residence permit shall be extended under the same conditions as it was issued. (*ANNEX 12* - Law of Georgia on the Legal Status of Aliens and Stateless Persons GEO and ENG; *ANNEX 13* - Governmental decree on Approving Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits GEO and ENG).



Guidelines for the Law Enforcements on the Investigation and Prosecution of Trafficking Cases and Treatment with Victims and Statutory Victims of Trafficking in Human Beings (Guidelines), additionally recommends to the law enforcement bodies to ensure granting of temporary residence permits for victims of trafficking including minor victims.

- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

According to the Law on Combating Trafficking child victim/statutory victim of trafficking shall be informed regarding his/her rights, assistance and rehabilitation services. The information shall be transmitted to the minor in a language that he/she understands based (taking into consideration) on his/her age (maturity). This service is provided by the translators employed by State Fund or by the Law enforcement bodies during the criminal proceedings. They also inform minors regarding the right to compensation and other rights granted by law.

- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

Law on Combating on THB requires that 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 shall 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.

Safe and risk assessment based return is also recommended under the guidelines for law enforcement adopted by Inter-Agency Council in 2014.

State Fund has never had such cases in practice, when a foreign citizen minor victim of human trafficking received the services of Fund. Therefore, there was no any need to return the victim to the country of his/her origin.

- i. special protection measures for children.

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.

Moreover, if the victim of human trafficking is minor, the State Fund immediately notifies and involves LEPL- Social Service Agency. The Social Service Agency in close cooperation with the Fund organizes and implements all activities regarding the minors, such as custodial care (guardianship), supporting formal / non-formal education, family (re)integration program and etc. The minors in shelters are provided with special attention and care. Minors do not move out of the shelter independently. If necessary, they are accompanied by the Shelter employee (a social worker and / or psychologist). Moreover, interpreter service is provided by State Fund, if necessary. Beneficiary of the Fund is ensured with lawyer, who represents/protects the beneficiary's rights in law enforcement agencies or judiciary organs.

State Fund has not had any minor victims of human trafficking with a foreign nationality yet. In such case, the Fund will take all necessary measures, as required by the law of Georgia "on Combating Human Trafficking" and international standards. According to the law of Georgia "if the age of (statutory) victim of human trafficking is not determined and there are reasonable ground to believe that the (statutory) victim of human trafficking is a minor, he/she shall be regarded as a minor and he/she will be subject to special protection measures until the determination of his/her age".

Additionally, Criminal Procedure Code of Georgia (Article 67) states that in specific circumstances special protection measures are provided for the participant of criminal proceedings, including for child victim or witnesses. Special protection measures could be used if the public hearing of the case could significantly infringe personal life of the participant of proceedings; if there is real threat for life health or property of the participant of the proceedings if the its personal data will be publicly available, if the participant of the criminal proceedings is dependent on the alleged offender.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

From the beginning of 2012 the new law on “Refugees and humanitarian statuses” came into force. New term “Humanitarian Status” is introduced in the law as a complementary protection. The status is granted to a person who doesn’t meet the requirements needed for granting a refugee status according to the Convention nevertheless he is not able to return to the place of his/her permanent residence. New status is determined as follows: Humanitarian status shall be granted to a person who is not a citizen of Georgia or to a stateless person permanently residing in Georgia, not meeting criteria of article 2 of the present Law and: Who has been compelled to leave his/her country of origin due to generalized violence, foreign aggression, occupation, internal conflicts, massive violation of human rights, or other circumstances which have seriously disturbed public order. (*ANNEX 14* - Law on refugees and Humanitarian Assistance of Georgia GEO and ENG).

There are special rules provided in the law to assist and protect minor asylum seekers. The law requires that best interest of child must be taken into account while deciding the case. The relevant agency (Ministry of IDPs, Refugees and Accommodation) takes all measures to guarantee proper assistance to the child asylum seekers, the relevant department also takes necessary measures to establish whether or not asylum seeker is victim of THB. The special questionnaire contains questions regarding reasons of departure from the country of origin and other questions that enables relevant professionals to detect signs of THB.

Additionally, according to the **Law of Georgia on the Legal Status of Aliens and Stateless Persons a special residence permit** shall be issued to an alien who is reasonably assumed to be a victim of or affected by the trafficking in human beings in the cases provided by the Law of Georgia on Combating THB. Governmental decree on **Approving Procedures for Reviewing and Deciding the Granting of Georgian Residence Permits** shall be issued for the period of an alien’s anticipated stay in Georgia, but for not more than six years and temporary Georgian residence permit shall be extended under the same conditions as it was issued.

There have not been cases of the non-voluntary return of child victims of trafficking from Georgia.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child’s best interests?

Child victims or children accompanied to victims placed at shelters of State Fund are provided by different services in order to ensure their wellbeing 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.

After leaving the shelter by minor beneficiaries, the shelter administration, as well as Social Service Agency, monitors the family, where the minor is reintegrated, despite the fact the family is biological or

new for minor. Considering the best interest of the minor further actions are planned and implemented according to the needs revealed over the monitoring period.

## C. Questions related to specific articles

### Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

Inter-Agency Coordinating Council established working group on studying concluded cases with the aim of identifying gaps in law and in practice and providing necessary amendments to the law in order to increase effectiveness of investigation and prosecution of THB cases. Working Group was comprised by representatives of different ministries and Prosecutors' Office of Georgia. As a result of analytical research Working Group identified gaps in a legislation and drafted amendments to the Criminal Code of Georgia and to the Law on Combating THB. The draft articles were commented by International Organization for Migration and UNODC. The amendments to the both legal instruments came into force in May, 2014. Amendments made term "Exploitation" clear as well as provided more clear definitions of modern forms of slavery. These issues were reflected in guidelines elaborated by the Inter-Agency Council for law enforcement for more effective working in the process of investigation and prosecution of THB Cases. Furthermore, special trainings were conducted in cooperation with IOM for informing law enforcement officials working on THB cases regarding the amendments to the law and provisions of the guidelines.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

According to the guidelines approved by Inter-Agency Coordinating Council for the law enforcements abuse of the position of vulnerability is defined as a situation where because of physical or mental disability a person is unable to truly understand the existing situation, where a person has no other true option but to obey the violence applied to him/her. Using vulnerable position of a person is considered as an aggravating circumstance of the THB crime.

In 2013, law enforcements revealed THB case, in which offender exploited victim with abuse of the position of vulnerability. Citizen of the Uzbekistan with the fraudulent offer of the employment on high income job brought citizen of Uzbekistan to Batumi, offender restricted right to free movement of victim and confiscated his/her identity documents, and was permanently physically abusing and coercing him/her. As a result of such treatment victim developed mental illness. Despite the fact of

mental problems of the victim, offender subjected the victim to was sexually exploitation and illegally taking money obtained from sexual services. The victim was threatening to offender with criminal liability after returning back to Uzbekistan, for that reason offender order murder of the victim.

The court explained in a judgment that the person is in position of vulnerability, when he/she is unable to protect herself/himself due to the mental or physical illness and the offender intentionally abuses vulnerability of the victim.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

Article 143<sup>1</sup> of Criminal Code of Georgia does not directly states that forced marriage or illegal adoption could constitute to THB cases however general definition of the THB that is "Purchasing, or selling of a person or subjecting him/her to other illegal deals, as well as enticing, conveying, hiding, recruiting, transporting, handing over, harbouring or receiving a person by means of threat, violence, or other forms of coercion, abduction, blackmail, fraud, deception, using vulnerable position of a person or by abusing power, granting or receiving remuneration or other benefits, to obtain the consent of a person capable to influence another, for the purpose of exploitation" could cover these acts.

Additionally, in 2014 Georgia signed the Council of Europe's Convention on preventing and combating violence against women and domestic violence and to implement provisions of this convention Criminal Code of Georgia was amended and new article on forced marriage was introduced (Article 150<sup>1</sup>), which will come into force in April, 2015.

In the reporting period no cases of the forced marriage or illegal adoption have occurred that were considered in the context of THB.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Article 143<sup>1</sup> of Criminal Code of Georgia defines THB as "Purchasing, or selling of a person or subjecting him/her to other illegal deals, as well as enticing, conveying, hiding, recruiting, transporting, handing over, harbouring or receiving a person by means of threat, violence, or other forms of coercion, abduction, blackmail, fraud, deception, using vulnerable position of a person or by abusing power,

granting or receiving remuneration or other benefits, to obtain the consent of a person capable to influence another, for the purpose of exploitation”. The note of this article explains that the term “exploitation” also covers cases of forced begging.

Additionally, article 171 of Criminal Code of Georgia establishes criminal liability for enrolment of the minor in begging.

In 2013 the Ministry of Internal Affairs of Georgia initiated investigation on 2 cases, where the family members of minors possibly forced them to beg in the streets and after that deprive their money earned by begging.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country’s law? Please provide any examples from case law.

Exploitation of criminal activities can be considered as a purpose of THB under the article on THB of Criminal Code of Georgia as it is directly stated in the definition of the exploitation: “For the purpose of the present Article (143<sup>1</sup>) and Article 143<sup>2</sup> of this Code exploitation shall mean following acts aimed at gaining of benefit:

c) Engaging person in criminal activity, prostitution, pornography or any other antisocial activity

According to the article 15 of Law on Combating THB person is exempted from liability for committing criminal activities that was conducted due to his/her being as victim of trafficking :

#### **Article 15. Exemption of (Statutory) Victims of Human Trafficking from Liability**

1. A (statutory) victim of human trafficking shall be exempted from criminal liability for conducts envisaged in Articles 344 and 362 of the Criminal Code of Georgia and Article 172<sup>3</sup> and 185 of the Administrative Violations Code of Georgia. In addition, a (statutory) victim shall not be held liable for his/her participation in unlawful conducts if he/she had to behave so due to his/her being (statutory) victim of human trafficking.
2. Provision of paragraph 1 of this Article shall apply to violations, which the person committed due to his/her being (statutory) victim of human trafficking before the person was granted the status of (statutory) victim of human trafficking.

The cases of the exploitation for the criminal activities have not occurred during the reporting period.



**Prevention of THB (Article 5)**

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

Georgian authorities acknowledge 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 was 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".

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. 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 were organized on the risks of THB with different target groups such as pupils, students, street children, minorities, IDPs and rural population (725) in almost all regions of Georgia. The meetings showed that this form of communication is effective as large number of the local population attends regularly on a meetings, therefore in 2015-2016 Action plan additional, systematic informational meeting in more regions will be conducted.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

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.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Law of Georgia on the Legal Status on Aliens and Stateless Persons establishes rules and regulations for legal migration in Georgia. The law aims at establishing legal guarantees for aliens and stateless persons in Georgia according to universally recognized human rights and freedoms, and in line with state interests; protect universally recognised rights of aliens and stateless persons irrespective of race, colour, language, gender, religion, political, and other views, nationality, ethnic and social belonging, origin, property status and rank; promote the development of relations between Georgia and foreign states in economy, culture, education, and science; strengthen the rights of free movement and free choice of residence, as well as the free choice of activity and profession as guaranteed by the Constitution of Georgia; strengthen the conformity of Georgian legislation governing the legal status of aliens and of persons having the status of stateless person in Georgia, with universally recognised standards of international law and international agreements of Georgia; support international cooperation in

preventing illegal migration; avoid spontaneous and unorganized migration; ensure the implementation of a targeted migration policy.

In a established circumstances law provides issuing visas and temporary and long term resident permits for the prospective migrants to Georgia if the necessary documents are presented. Citizens of the many partner countries are allowed to travel in Georgia for short time period without the visa.

The national strategy on migration seeks ensuring legal migration and states that this is one of the top priorities for the Georgian government. (*ANNEX 15* - Governmental decree on approving National Migration Strategy for 2013-2015 GEO and ENG). According to the strategy for the developing of the legal migration government will conduct special measures including through the public awareness raising campaigns as well as through the facilitating study programs abroad. For the better regulation of the legal migration new law was enacted in September 2014, on the Legal Status on Aliens and Stateless Persons, that is in line with recommendations provided by international organizations as well as takes into account international best practice while regulating migration.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;

The organ transplantation is regulated by the Law on Transplantation of the Human Organs, and its 5<sup>th</sup> Chapter deals with removal of organ from the living body (*ANNEX 16* - Law on Transplantation of Organs of Human Beings GEO). In addition to regulating legal proceedings for organ transplantation the Law establishes prohibition of the trade in organs of human beings.

According to this law the removal of the organ of the human being is only permitted if following conditions are met:

- a) The donor shall be capable, except cases of cross donor hood;
- b) The living donor shall be:
  - b – a recipient's genetic relative
  - b – b spouse of the recipient if at least one year has passed after the registration of the marriage;

b-c son/daughter, mother (mother-in-law), father (father-in-law), grand child, grand father, grandmother, sister (sister-in-law), brother (brother-in-law), daughter-in-law, son-in-law, of the recipients spouse if two years have passed after the registration of the marriage;

- b)<sup>1</sup> removal of the organ from the donor is based on cross donorhood principle when there is consent of the transplantation council, except for the cases envisaged in Article 20 of this Law;
- c) The donor has given a written consent on organ donation;
- d) The contemporary advanced methods of investigation confirm that immediate or remote, direct or indirect consequences of the operation do not represent significant risk for the life of the donor and will not result in severe deterioration of the donor's health;
- e) The relevant studies confirm that the donor complies with the criteria the consideration of which is mandatory when taking the organ for transplantation from the live donor;
- f) The operation aimed at taking of organ shall be conducted by the physician possessing adequate license and in the institution having the relevant license.

Taking of the organ, which can be regenerated, from the live donor to transplant it to other human being is allowed also in those cases when the donor is not a genetic kin or spouse.

Taking of bone marrow from an under aged person (except for juvenile donors) to transplant it to another person is allowed if:

- a) Taking of bone marrow will not affect the health of the donor, which shall be confirmed by two independent physicians possessing relevant license;
- b) Bone marrow shall be transplanted to the relative of the first or second order whose health is jeopardized and no other therapeutic option exists;
- c) The attitude of an under age person towards the procedure allows medical intervention;
- d) In case of minor deprived of parental care, there is an informed consent of parent(s) or legal representative; Informed consent shall be attested by respective body being in charge of guardianship and care.

To obtain the informed consent from the potential alive donor the following explanations shall be given to him (her):

- a) The kind of surgical intervention required for taking of organ, its volume, risk for life accompanying this operation, possible immediate and remote, direct and indirect impacts of operation on the donor's health;

- b) Expected results from transplantation of the organ taken from alive donor including success and failure possibilities;
- c) All possible circumstances, which can effect the donor's decision.

### **Management of Using the Organ with the Aim of Transplantation or Treatment**

The hospitals are liable to inform the institutions possessing a relevant license about the patients who were diagnosed to have total, irreversible cessation of the cerebral function and who in accordance with medical criteria can be considered as potential donors. Taking of an organ for transplantation purposes, the quality of post-transplantation functioning of which significantly depends on the duration of its storage, shall be agreed with the Transplantation Information Centre. The cooperation of the institutions possessing a relevant license, transplantation banks and other medical institutions is regulated by the contracts concluded between them.

### **Institutions Possessing a Relevant License**

Any medical institution of organizational-and-legal form envisaged by the Legislation of Georgia which has the license to take and transplant the organs and/or the license to provide organization-and-technical information support of those processes can be qualified as the institution possessing a relevant license.

The following are the institutions possessing a relevant license: transplantation hospital or its department possessing a relevant license, Transplantation Information Centre, Transplantation Bank transplantation laboratory.

The institution possessing a relevant license shall:

- a) Ensure performance of the activities determined by license using adequate technologies;
- b) In accordance with existing rules participate in registration of possible donors and possible recipients as well as in compilation of the lists of persons who declared their refuse to donate organs;

- c) Ensure information exchange between the medical institutions following up the possible recipient or physician in charge of the possible recipient and organ transplantation management institution;
- d) In accordance with the stated order compiles medical documents with obligatory indication of identification number (code) of the transplanted organ;
- e) Ensure observance of 24 hour working regime.

Any independent medical institution having any organizational–legal status envisaged by the Legislation of Georgia, or a constituent part of a such institution can serve as the Transplantation Bank.

Transplantation Bank is managed by the physician or biologist possessing a relevant license.

In case if the organ stored in the Transplantation Bank is qualified as invalid for transplantation the Bank has the right to give it away for research and educational purposes. Notification about this shall be sent to Transplantation Information Centre.

The detailed data about donor testing, organ taking, typing, transportation, processing, storage performed by the Transplantation Bank are recorded in the documents stored in the Bank.

### **Organ Trading Prohibition**

Human organ trading is prohibited. Transplantation of the organ is prohibited if the physician is aware that the organ was taken with violation of the Law.

Forced or tricked removal, transplantation or other use of body organ, part of the organ is considered as one of the forms of the exploitation for THB crime under Criminal Code of Georgia. This issue is also considered in the Guidelines for the law enforcement adopted by the Inter-Agency Council. Liability for the commission of illegal removal of organ could be established under articles of Criminal Code of Georgia that establish criminal liability for offences causing harms to the health of individuals.

- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

In accordance with the requirements of the Legislation of Georgia the Ministry of Labour, Health and Social Affairs coordinates and controls the activities of the physical and juridical persons engaged in organ transplantation.

The Ministry of Labour, Health and Social Affairs shall:

- a) Work out the standards for finding, taking, storing and transplantation of organs;
- b) Work out the criteria for selection and testing of donors and recipients, define the form of standard documents as indicated in Article 5 of this Law;
- c) Define the organ quality control standards; control the monitoring of organ taking, transportation and storage rules, as well as organ validity and histological compatibility determination;
- d) Periodically check the compliance of the activities of the institutions possessing a relevant license, transplantation banks with the stated standards and perform quality control of the medical service rendered by the above institutions in the sphere of transplantation; in case of necessity suspend the action of license or annul it;
- e) Ensure information exchange about donors and recipients between the institutions and transplantation banks possessing relevant licenses as well as forward the information from hospitals to the above institutions;
- f) Regulate international cooperation in the sphere of organ transplantation. Jointly with the interested departments participate in development of normative acts for human organs import-export;
- g) Cooperates with the civil organizations and professional unions interested in organ transplantation issues.

The Transplantation Council shall be established at the Ministry of Labour, Health and Social Affairs. The provisions and composition of which shall be approved by the minister.

The Transplantation Information Centre shall be formed at the Ministry of Labour, Health and Social Affairs. The Centre shall be headed by a physician possessing the relevant license or a biologist experienced in tissue typing.

The interested medical institution shall be immediately informed about every decision of Transplantation Information Centre concerning the organ forwarding to the institution possessing a relevant license; the decision is recorded in a written form and shall contain all data based on which this decision was made. The copy of this document shall be forwarded to the institution possessing a relevant license and respectively, to the transplantation bank.

- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

The medical personnel is obliged to submit information regarding the alleged crimes to the law enforcement. This obligation also covers THB cases. According to the regulation adopted by the Ministry of Labour, Health and Social Affairs information regarding all kind of traumatic circumstances, as well as cases when patient states that the violence against him/her had taken place, must be submitted to law enforcement. (ANNEX 17 Order of Ministry of Labour, health and Social Affairs for submitting operative information from the medical settings to the organs of Ministry of Internal Affairs GEO).

### **Measures to discourage the demand (Article 6)**

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:
- a. educational programmes;

Government of Georgia prioritizes prevention of trafficking as well as discourage the demand through enhancement of education in secondary and high schools. Fighting against trafficking, including information regarding the criminal liability for use of services provided by THB victim, 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:

- o 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.
- o 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.



b. information campaigns and involvement of the media;

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 please refer to information provided in responses to 23th question.

c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);

Article 143<sup>2</sup> of Criminal Code of Georgia establishes criminal liability for use of the service of the trafficking victim.

Criminal Code of Georgia establishes criminal liability for the corruption activities. Article 337 of Criminal Code of Georgia prohibits, by civil servant to take Illicit Participation in Entrepreneurial Activity that means establishment of an enterprise, organization or institution for entrepreneurial purposes or participation therein, irrespective of a legal prohibition, by an officer or a person equal thereto, directly or indirectly, if it is related to awarding illegal privileges or preferences or granting any other form of patronage to him/her. Article 338 criminalizes accepting Bribes that means accepting bribes by an officer or a person equal thereto, in the form of money, securities, property or any other material benefit, for performing or not performing this or that action in favour of the bribe-giver that the officer or the person equal thereto must have or could have performed by using his/her official position, or his/her official authority could have promoted such action, as well as exercising official patronage by him/her. Aggravating circumstances for the commission of this crime are accepting bribe by political official, in large quantity, by organized group and etc. Article 339<sup>1</sup> criminalizes trading in influence by the person who is pretending or approving that she/he is able to influence on the public official to gain some benefits despite whether influence was really exercised or not. Criminal Code of Georgia also prohibits accepting illegal present and falsification in service.

d. involvement of the private sector.

Ministry of Justice, taking into account the necessity to inform most vulnerable groups regarding the THB threats announces open calls for the NGOs as well as for business entities to apply for the projects with final aim of increasing awareness of the population regarding the THB. Such calls were announced in 2012 and 2014.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

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.

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, 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 (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.

LEPL “Georgian National Tourism Administration” (GNTA) under the Ministry of Economy and Sustainable Development of Georgia in close cooperation with the International Organization for Migration (IOM) have worked **on anti-trafficking awareness-raising campaign**, according to the action plan for 2013-2014 on combating against trafficking.

In March of 2014, 100 000 copies of flyer were printed by IOM, of which 50 000 copies were donated to GNTA. 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 threats concerning involvement in trafficking. The flyers were distributed through the Tourism Information Centers of Tbilisi, Gori, Borjomi, Telavi, Akhaltsikhe, and in the airports of Tbilisi, Kutaisi and Batumi (2<sup>nd</sup> quarter, 2014).

In April-December, 2014, 35 000 flyers were distributed through the Adjara 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). Flyers were also distributed during the public information meetings of IOM and in all regions of Georgia too.

In December of 2014, 40 000 flyers were donated to GNTA by IOM. The flyer is available in **four languages** (Georgian, English, Russian and Turkish), which will be distributed through the Tourism Information Centers in 2015-2016.

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.

Regarding the labour inspectorate there is provision in national action plan for 2015-2016 on combating THB to revise Georgian labour legislation with aim of bringing in conformity with international standards. Additionally in Association Agenda between EU and Georgia there is provision that foresees cooperation between parties in establishment of labor inspectorate in conformity with international standards.

In order to address problems in terms of safe labor conditions, Ministry of Labor, Health and Social Affairs drafted project of the Governmental Decree that approves State program on monitoring of labor conditions. One of the goals of the program is with the aim of the prevention of forced labor raising awareness on THB issues of employees and employers and for this purpose conducting of special measures.

#### **Border measures (Article 7)**

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;

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 and Tbilisi international airport 24/7.

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.

In order to timely identify false documents on BCPs, Software allowing linking of border crossing database with other MoIA databases as well as verification of persons entering or leaving Georgian territory in “live” (online) regime is operational at every BCP. Software is provided together with new passport readers which substantially increases the speed of the travel document processing. In the frame of South Caucasus Integrated Border Management project as well as US State Department “Georgian Border Security and Law Enforcement program” (GBSLE), second line document inspection equipment has been purchased: fixed integrated passport readers, mono-microscopes video spectral comparators, etc. The second line “labs” at all BCPs are fully equipped and operational.

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.

b. identification of possible perpetrators of THB offences;

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, which one can be possible perpetrator. 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.

c. gathering of first-line information from victims and perpetrators;

Division of Fighting against Trafficking and Illegal Migration fights against trafficking through operational and investigative activities, in particular: based on operative information, also on the ground of an application of a citizen and/or written notification from other bodies, in case signs of crime are seen, investigation is initiated. In addition, identification of potential victims and suspects is undertaken also with the help of operative and/or public sources; the information is re-examined and search of the information on the possible fact of trafficking is carried out. In case the fact of trafficking is revealed the investigation is initiated, as a result of which identification of a victim of trafficking, his/her questioning as a witness and collecting of evidences is performed. Based on relevant investigative and operative actions the information is re-examined, persons who confirm the fact of trafficking are identified and questioned as witnesses, also in order to disclose persons committing the crime and determine criminal connections.

d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

Inspection mobile groups were created under the Ministry of Internal Affairs of Georgia. At present, three mobile groups composed of two law enforcements regularly operate in the high risk areas, in order to identify THB cases in order to identify trafficking cases. The members of THB mobile groups are trained on trafficking issues. Also, it should be noted that recently special division in Fight against Trafficking in Human Beings is being set up in Batumi within the Central Criminal Police covering Adjara Region. 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 prostitutes, including foreign citizens. 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 citizens deported from Turkey and European countries with a view to revealing potential THB cases. Also, the staff of division is responsible for identification of (potential) victims of trafficking in persons in border check points and regarding this 24/7 perform their duty in Sarpi border cross point and Tbilisi international airport.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

The mobile groups established under Ministry of Internal Affairs of Georgia regularly inspects transportation companies, to identify victims of trafficking. In addition of inspecting, they provide information regarding the signs of victims, state services provided to THB victims and criminal liability for the use of the service of THB victims. Information is provided to the managers of such companies, as well as to other staff and drivers.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

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 18*



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.

On February 2013 regarding the information from INTERPOL, Central Criminal Police Department opened the case on distribution the pornographic materials of child on various web-sites placed on servers in different countries. Information provided by INTERPOL included CD with illegal materials and IP addresses located in Georgia. According to Information provided by US law enforcement it was confirmed, that the victim of sexual abuse was Georgian girl. As a result of identification of IP addresses provided, investigators found out that, in the crime was involved the mother of victim, she was taking photos of her daughter and sending them abroad by social networks for the citizen of Israel. Israeli citizen was connecting her and planning steps for producing materials for some money. Department begun active cooperation with international partners and In process of investigation actively involved law enforcement agencies of Israel, Australia, US and INTERPOL. Israeli Police found out that suspect was negotiating with another person's on selling the pornographic materials of different victims and between them also was 11 years old Georgian girl. Also with one "customers" he was considering the details of arrangement the meeting with the girl for sexual relations. Law enforcements identified the IP addresses from where the materials were distributed and they belonged to Israeli suspect. Alongside Australian Police sent CD with pornographic materials and according to the forensic expertise investigators identified the personal data of the victim of child trafficking and proved that she was Georgian 11 years old girl. On April 2013 after recovering all accurate evidences joint operation was provided by Georgian and Israeli police and the mother of victim was detained in Georgia and after accusation sent to prison, also suspect was arrested in Israel. The victim of trafficking was taken to state shelter. According to resolution of Tbilisi City Court the mother of victim was sentenced to 14 years of imprisonment, and Israeli citizen sentenced to 11,6 years of imprisonment.

#### **Identification of the victims (Article 10)**

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

National Referral Mechanism was developed by THB Council and covers the procedures from the moment a potential victim is identified as a victim of THB to the moment a victim is safely returned to

his/her country or city of origin. It also determines the procedures for providing the victim assistance measures which are contained in Law on Combating Trafficking in Persons. The referral mechanism was adopted by the Governmental Order (ANNEX 10).

The National Referral Mechanism offers protection and assistance to victims of THB regardless of whether they cooperate or not with law enforcement bodies. It provides for granting the legal status of victim of THB through the Permanent Group established by the THB Council or by law enforcement bodies. The persons granted the status of victim of THB benefit from a protection mechanism which includes shelter accommodation and assistance (e.g. victim assistance allowance, medical treatment, legal support, etc.). Also, it should be underlined that government of Georgia provides the special protection and assistance for minor victims of THB.

### **National Referral Mechanism:**

The Basic Structure of the Referral Mechanism is as follows:

- Identification of the Victims of Trafficking:
  - a. preliminary identification;
  - b. special mobile group comprised by physiologist and lawyer 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

Georgian legislation ensures the protection and assistance of witness/prospective victims or statutory victims of trafficking in persons. Law enforcement bodies immediately explain to the victim/statutory victim of trafficking that he/she has the right to address a Service Agency for the Victims of Human Trafficking (Shelter). Law enforcement bodies and a Service Agency for the Victims of Trafficking (Shelter) provide the victims/statutory victim of trafficking with full information on Georgian legislation

on human trafficking. The investigator, prosecutor and judge inform the statutory victim of trafficking, in his/her native language or in a language he/she understands, of his/her rights and legal status as well as information on matters relating to the investigation and judicial proceedings. In the criminal proceedings, the Government of Georgia provides the statutory victim of trafficking with the service of a lawyer and an interpreter as well as servicing documents and materials related to the proceedings in his/her native language or a language understandable for him/her. Victim/statutory victim of trafficking may receive free legal aid and in-court representation from Service Agency for the Victims of Human Trafficking (Shelter) or other natural person or legal entity having relevant authorization, in accordance with procedures established by the Georgian legislation. The statutory victim and witness as well as persons providing legal services and assistance to them have the right to request protection of their own security and security of their family members at any time, in accordance with procedures established by the Georgian legislation. Identity, address and other personal data of (statutory) victims and witnesses of trafficking is confidential and its disclosure is prohibited except in cases envisaged by law. At the request of statutory victim, witness or their legal representative, special protection measures may be applied in accordance with procedures established by the Criminal Procedure Code of Georgia.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

Special Operative Procedures, S.O.P was developed by THB council working group, than was assessed by the international expert, with the support of the the IOM. The document specifies different indicators for proactive identification of victims of THB. The S.O.P was adopted by the Ministerial Order of the Minister of Internal Affairs in 2015. The document serves as special instruction for the mobile group members within the Central Criminal Police Department. The SOP states indicators for identifying victims of sexual exploitation, domestic servitude, forced labour, as well as child victims. The indicators are very clear and enables law enforcement to use them in the process of proactive identification of THB victims.

During the interview with the alleged victim the Mobile Group under the State Fund fills in a special, confidential, identification questionnaire. The filled questionnaire will immediately be submitted to the Permanent Task Group working under interagency coordination council. Permanent Task Group shall decide on granting the status of victim of human trafficking within 48 hours. The various forms of exploitation may reveal on the base of the information submitted in the questionnaire. Individuals, who used the fund's services so far, were those who had been victims of sexual or labour exploitation.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

Since 2005 Division of Fighting against Trafficking and Illegal Migration is functioning in the central Criminal Police Department at the Ministry of Internal Affairs of Georgia also In the month of January, 2014, Unit 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 Central Criminal Police Department of the Ministry of Internal Affairs of Georgia. The main function and duty of this Divisions 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 and at Tbilisi International airport 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 of trafficking, detain them and criminally prosecute.

In order to reveal the facts of trafficking, four 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 Criminal Police Department of the Ministry of Internal Affairs. Each of the mobile groups is composed of two law enforcement officers. They detected and recorded trafficking risk-bearing areas, and checked and studied persons, including persons engaged in prostitution, working in organizations that are contained in the risk-groups across Georgia. In order to identify the crime of trafficking, persons, who are engaged in prostitution, were interviewed/interrogated and it was established whether they had identity cards or not, whether or not they exercised their right to freedom of movement, whether they have been receiving the full compensation in exchange for the provision of sexual services or not, and whether or not they were engaged in prostitution voluntarily. Foreign citizens engaged in prostitution were also identified and fully recorder in order to take preventive measures. A number of organizations were identified, where the place had systematically been allocated for prostitution. During the contact with potential victims of human trafficking law enforcements also examine if the victim of sexual exploitation or forced labor was placed in a state of modern conditions of slavery. Therefore, the following issues should be taken into account:

- identification documents were or not deprived, destroyed or controlled by other people;

- was or not provided with free movement;
- communicated or not with his/her family;
- has he/she ever been abroad or particularly in that state where he/she became the victim of trafficking;
- did he/she know or not foreign language;
- did he/she have or not his/her own money;
- did he/she have or not access to internet;
- did she/he was able or not to leave the accommodation independently;
- did he/she stay or not in that country because of the influence of “trafficker”;
- did he/she have or not the debt to the “trafficker”; if so, it should be examined if the debt amount was determined from the beginning.

If the person suffered from physical, material or moral damage as a result of THB, he/she is granted the status of statutory victim of human trafficking by the order of the prosecutor, issued during the criminal case investigation according Criminal Procedure Code of Georgia.

If the status of statutory victim is not granted or the person refuse to cooperate with law enforcements, he/she is referred to the state Fund for Protection and Assistance for the (statutory) victims of Trafficking to get the THB status and state services. In this case, or in case of self-identification or in case of revealing the alleged victim of trafficking by various agencies (medical institutions, NGOs, the Public Defender's Office) the mobile group under State Fund is informed about the fact. Mobile Group consists of two persons: a lawyer and a psychologist. Two Special Mobile Groups operates on the territory of Georgia (East and West Georgia). The Mobile Group fills in a special, confidential, identification questionnaire during the interview with the alleged victim. The filled questionnaire will immediately be submitted to the Permanent Task Group working under interagency coordination council. Permanent Task Group decides on granting the status of victim of human trafficking within 48 hours. 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). 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.

Law enforcements regularly interview Georgians deported from Turkey and European countries in order to reveal potential THB cases. In 2012 -1095, 2013 – 1524, In 2014 – 1829 persons were interviewed. Based on that, in 2013 7 Georgian nationals have been identified as victims of forced labor in Turkey. The investigation was launched on that case. All of them were granted the status of victims of THB by Permanent Group of THB Council.

30. What measures are taken in your country to encourage self-identification of victims of THB?

- 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 victims will be under threat or damage.
- No punishment provisions: victims of trafficking is exempted from criminal liability if he/she has been compelled to do it, due to his/her position as a victim. The Law includes examples, such as concealment of the crime of trafficking, illegal crossing of the boarder or use of false documents. In addition the victim of trafficking is also exempted from administrative liability for prostitution if he/she was compelled to or residing without registration in Georgia after she has escaped/returned to Georgia. The principle of non-punishment does not depend on victim's cooperation with law enforcement officials.
- The NRM offers protection and assistance to victims of trafficking regardless of whether they cooperate or not with law enforcement bodies. 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 State Fund, while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia (CPC).
- The Law on Combating THB introduced a new mechanism of protection of persons subjected to THB: it provides for a possibility for the persons allegedly subjected to THB, to receive protection from the State, notwithstanding their willingness to cooperate with the law enforcement authorities. Victim of statutory victim of human trafficking has right to get services provided by state fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Human Beings, use shelter. Furthermore, State Fund provides with the compensation to the victims of trafficking. Shelters provide the following services: Secure place of residence with decent living conditions; Food and clothes; Medical assistance; Psychological counselling; Legal assistance and court representation (including filing complaints, appearing in court proceedings as a witness, requesting asylum, obtaining documents for returning to the country of origin);

Providing the information in the language the victim understands; provision of the assistance of the lawyer in case of necessity; Participation in the long-term and short-term programs of rehabilitation and reintegration.

- If THB victim/statutory victim is the citizen of other state or is stateless person, law enforcements provide him/her to be granted with temporary residence permit by the authorized agency. If there is reasonable ground to believe that foreign minor THB victim or statutory victim will not be in safe conditions he/she should not be returned to his/her country of origin

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

From the beginning of 2012 the new law on “Refugees and humanitarian statuses” came into force. The adoption of the new law aimed at fulfilling of international standards and providing better protection for individuals seeking asylum. When the application for the asylum is submitted the Department of Migration, Repatriation and Refugee Issues at the Georgian Ministry of Refugees and Accommodation studies the facts of the case. The fact-finding involves an interview and completion of the questionnaire. It could last up to six month. During this period, the Ministry of Refugees and Accommodation of Georgia in cooperation with the international organizations, namely, the office of the UN High Commissioner for Refugees (UNHCR) provides applicants with the shelter at the temporary settlement centre. If the officials reveal facts of THB, the possible victim is directed to State Fund or law enforcement to be provided with relevant services. The questionnaire used by the professionals for asylum seekers contains questions that enables them to detect THB. The questionnaire explicitly asks the reasons for departure from country of origin, as well as status of legal documents etc. Even if the application is rejected and the fact of THB is revealed, victims will be referred to state fund and provided with all services dedicated to phsyco-social rehabilitation of victims.

The communication between the authorities working on migration and THB issues is ensured through the two Inter-Agency bodies. Both, Governmental Commission on Migration working on development and implementation of migration policy and Inter-Agency Coordinating Council on Combating THB are headed by the Minister of Justice of Georgia. This framework of the institutions enables respective authorities to have close cooperation in the field of THB and migration related issues when necessity of cooperation arises.

## **Protection of private life (Article 11)**

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

According to the Criminal Procedure Code of Georgia the Court is entitled to close proceedings by its own initiative or on the grounds of the motion of party in order to defend interests of the minor. The court can impose obligation of not revealing facts related to case on the person who is attending on the close proceedings.

Additionally, law on Combating Trafficking provides that the identity and other personal data of child victim/statutory victim of trafficking is confidential (including for the media), except of the cases established under the Law, when the confidential information is necessary to identify his/her parents and family whereabouts and disclosure of the information doesn't endanger the safety of the child victim/statutory victim of trafficking.

In order to protect Human Rights in the process of the working on the personal data Government of Georgia elaborated and then Parliament of Georgia adopted law on Personal Data Protection in December 2011. This law establishes general rules for working on personal data and provides guarantees that personal information is not unduly available for the public, including information regarding the children.

Guidelines for the Law Enforcements on the Investigation and Prosecution of Trafficking Cases and Treatment with Victims and Statutory Victims of Trafficking in Human Beings (Guidelines) specifically addresses the issues of confidentiality of information regarding the THB victims, include minor victims. It also underlines that the prosecutor is entitled to submit motion for the closure of proceedings in the court when minor victim is involved.

According to the decree adopted by the Government of Georgia on "Common Standards for THB Victim Identification", any information regarding the person who might be victim of trafficking shall be protected and not disclosed to the public, notwithstanding whether she or he was given status of victim of trafficking or not.

The obligation of the not disclosure information regarding the possible victim is imposed on members of the permanent group on victim identification under the document adopted by the Inter-Agency Council



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regulating functions of permanent group. The document indicates that disclosure of such information will cause liability under the law.

In addition, according to the Internal Regulation of the Fund each employee takes the responsibility to protect and not to disclose confidential information (including about the beneficiary), which becomes known to him/her in the working process. Also, Internal Regulation of the Shelter of the victims of Human Trafficking defines the obligation to protect the confidentiality of beneficiaries (including personal information).

### Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;
- b. victim's safety and protection;
- c. standards of assistance and their implementation in practice;
- d. access to medical treatment, psychological assistance, counselling and information;
- e. translation and interpretation, where appropriate?

Several NGOs are members of the Inter-Agency Coordinating Council and they are also the members of the permanent group for identification of victims of THB, which is the body for granting status of the THB. Additionally Law on Combating THB requires that accommodation provided to THB victims must meet minimum standards.

Fund actively cooperates with international and non-governmental organizations working on human trafficking issues. Since 1<sup>st</sup> October, 2014, Fund has renewed memorandums of mutual cooperation with International Organization for Migration, NGO "Georgian Young Lawyers' Association", NGO "Anti-Violence Network of Georgia", NGO "Women's Information Centre" and NGO "Women for Future".

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

According to the law of Georgia on Combating Human Trafficking (article 12) "1. A victim of human trafficking shall be entitled to a 30-day deliberation term to decide whether he/she wants to cooperate with the law enforcement bodies in proceeding related the given crime. 2. Countdown of the deliberation term starts from the date of addressing by the person the Service Agency fir the Victims of Human Trafficking (Shelter), law enforcement bodies or the relevant institution. 3. Duration the deliberation term the victim of human trafficking shall not be subject to liability under Article 271 of the Criminal Code of Georgia." In accordance with Article 20(3) (law of Georgia on Combating Human Trafficking): "It is impermissible to expel a foreigner from the territory of Georgia where there are reasonable grounds to believe that he/she may be a (statutory) victim of human trafficking". In accordance with the same article, during the deliberation term, 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 issues a residence card to the foreigners who are (statutory) victims of human trafficking,

perpetrated on the territory of Georgia. Identity-related information given in the motion constitutes confidential information disclosure that is punishable under law.

The administration of the State Fund treats respectfully the decision made In above-mentioned period by victims of THB. It is not subjected to any pressure and / or coercion.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

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.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

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.

According to the law of Georgia on Combating Human Trafficking, with the consent of the victim of THB, the state ensures his/her accommodation in a Service Agency for the Victims of Human

Trafficking (Shelter) - a dwelling that is appropriate for decent and safe being. Measures of protection of personal security and medico-psychological rehabilitation measures of (statutory) victims of THB apply only with their consent and in observance of full confidentiality of their data.

Common standards and rules for the victim identification, as well as Rules of Procedure of Permanent Group for the Identification of the THB Victims requires that possible victims of THB must be provided with the written document containing information regarding the rights of THB Victims and state services provided to them, including the right to obtain compensation.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

In 2012-2014 there was no any need for providing additional services to the beneficiaries who had left the shelter of the State Fund. The Fund would act in accordance with the rules of international and national standards, In case of necessity.

In 2013 law enforcement identified minor victim of human trafficking and referred to the state fund where she was provide by assistance according Georgian legislation. After she left the shelter she is still supported with assistance. For example she was granted with notebook and financial assistance.

There is an exceptional case related to minor beneficiary: a minor victim of human trafficking (born in 2001, citizen of Georgia) received shelter service during the period of April-December 2013. After the minor left the shelter, Fund continued cooperation with her and her guardian (child's aunt), that included psychological assistance and support for social rehabilitation-reintegration; it also included legal assistance.

### **Recovery and reflection period (Article 13)**

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

According to the law on Combating THB a victim of human trafficking. Georgia or foreign national, 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.

#### **Residence permit (Article 14)**

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

According to the Article 15 (f) 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.

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.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?

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.

If the victim decides to cooperate with the law enforcement bodies in the process of proceedings on the given crime, he/she shall be provided, in accordance with procedure under law, with a resident card until the completion of the relevant criminal and/or civil proceedings. During this period, he/she shall have the right to work on the territory of Georgia and enjoy rights and guarantees established by the Labour Code of Georgia. The cooperation might include participation in the trial during court discussion, giving testimony and being interrogated as witness.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

Generally, (potential) THB victim is firstly interrogated as a witness. At the beginning of interrogation, law enforcements should explain to the witness his/her rights regarding the reflection period (30 days) in accordance with Article 50 of Criminal Procedure Code of Georgia and Article 12 of the Law on Combating Trafficking in Persons. During the reflection period the witness has the right not to give the testimony to the law enforcements. Furthermore, during the reflection period, the person has the right to decide whether he/she wants to cooperate or not with law enforcements.

Georgian legislation ensures the protection and assistance of witness/prospective victims or statutory victims of trafficking in persons. Law enforcement bodies immediately explain to the victim/statutory victim of trafficking that he/she has the right to address a Service Agency for the Victims of Human Trafficking (Shelter). Law enforcement bodies and a Service Agency for the Victims of Trafficking (Shelter) provides the victims/statutory victim of trafficking with full information on Georgian legislation on human trafficking. The investigator, prosecutor and judge inform the statutory victim of

trafficking, in his/her native language or in a language he/she understands, of his/her rights and legal status as well as information on matters relating to the investigation and judicial proceedings. In the criminal proceedings, the Government of Georgia provides the statutory victim of trafficking with the service of a lawyer and an interpreter as well as servicing documents and materials related to the proceedings in his/her native language or a language understandable for him/her. Victim/statutory victim of trafficking may receive free legal aid and in-court representation from Service Agency for the Victims of Human Trafficking (Shelter) or other natural person or legal entity having relevant authorization, in accordance with procedures established by the Georgian legislation. The statutory victim and witness as well as persons providing legal services and assistance to them have the right to request protection of their own security and security of their family members at any time, in accordance with procedures established by the Georgian legislation. Identity, address and other personal data of (statutory) victims and witnesses of trafficking is confidential and its disclosure is prohibited except in cases envisaged by law. At the request of statutory victim, witness or their legal representative, special protection measures may be applied in accordance with procedures established by the Criminal Procedure Code of Georgia.

Apart from this, According to the Georgian legislation THB victim has the right to enjoy with the reflection period (30 days) to think about whether cooperate with law enforcements or not. Countdown of the reflection period 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. During the reflection 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.

Also, it should be underlined, that Government of Georgia protects and assists foreign THB victims/statutory victims of trafficking and ensures their safe return to their country of origin, provide them with the subsequent documentations as travel documentation.

## Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;

Criminal Procedure Code of Georgia as well as code on Administrative offences provide relevant measures to provide assistance to the victims of the THB.

According to the law on Combating THB Law enforcement bodies shall immediately explain to the (statutory) victim of human trafficking that he/she has the right to address a Service Agency for the Victims of Human Trafficking (Shelter). Law enforcement bodies and a Service Agency for the Victims of Human Trafficking (Shelter) shall provide the (statutory) victims of human trafficking with full information on Georgian legislation on human trafficking.

The investigator, prosecutor and judge shall inform the statutory victim of human trafficking, in his/her native language or in a language he/she understands, of his/her rights and legal status as well as information on matters relating to the investigation and judicial proceedings.

- b. access to free legal assistance and legal aid during investigations and court proceedings;

According to the article **Article 14. Legal Protection of (Statutory) Victims of Human Trafficking**

1. In the criminal proceedings, the state shall provide the statutory victim of human trafficking with the service of a lawyer and an interpreter as well as servicing documents and materials related to the proceedings in his/her native language or a language understandable for him/her.
2. (Statutory) victim of human trafficking may receive free legal aid and in-court representation from Service Agency for the Victims of Human Trafficking (Shelter) or other natural person or legal entity having relevant authorization, in accordance with procedures established by the Georgian legislation.

The purpose of the State Fund is to issue compensation to (statutory) victims of human trafficking as well as to finance their protection, assistance and rehabilitation measures. The State Fund provides legal assistance for the (statutory) victims of human trafficking. The service includes: consulting in legal issues, preparing all the necessary legal documents, legal assistance including representation in court (if necessary, referral).

In 2012 8 victims were provided by legal aid, in 2013 32 victims and in 2014 7 victims.



Additionally, since 2007 L.E.P.L Legal Aid Service ensures free legal aid to socially vulnerable population and currently covers nearly the whole territory of Georgia with its LAS bureaus and consultation centers.

Legal Aid Service carries out legal aid through its bureaus, consultation centers and contracted public lawyers' register.

- c. compensation from the perpetrator;

According to the Law of Georgia on Combating THB (Article 16) "The (statutory) victim of human trafficking shall have the right 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"

- d. compensation from the state;

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

According to the Law of Georgia on Combating THB (Article 16) " Where it is impossible to reimburse damages incurred by a (statutory) victim of human trafficking from the perpetrator", he/she shall receive compensation from the Fund in accordance with the procedure established by law". Inter-Agency Coordinating Council adopted rules for procedure for compensation which is currently basis for the State Fund while giving compensations to victims of THB.

- e. compensation for unpaid wages to victims of trafficking.

Civil Code of Georgia in Article 411 states that damages shall be compensated not only for the loss of property actually incurred but also for lost profits. Profit shall be deemed to be lost if the person did not receive it, but would have received it if the obligation had been duly performed. Thus THB victim is entitled to require compensation in civil proceedings.

Please provide examples of compensation awarded and effectively provided to victims of THB.

### Statistics of Compensation (1000 GEL) Issued by the State Fund for the Victims of THB

		2010	2011	2012	2013	2014
<b>Sex</b>	<b>Male</b>	2	-	1	21	6
	<b>Female</b>	-	6	5	-	3
<b>Age</b>	<b>&lt;18</b>	-	-	-	-	-
	<b>18 – 25</b>	-	1	1	9	2
	<b>26 – 35</b>	-	3	4	6	3
	<b>36 – 45</b>	-	-	-	3	3
	<b>46 - 60</b>	2	2	1	3	1
	<b>&gt; 60</b>	-	-	-	-	-
<b>Nationality</b>	<b>Georgian</b>	2	6	6	21	9
	<b>Foreign</b>	-	-	-	-	-
<b>Form of Exploitation</b>	<b>Sexual</b>	-	1	2	-	1
	<b>Labor</b>	2	5	4	21	8
<b>Type of THB</b>	<b>Internal</b>	-	-	-	-	-
	<b>Transnational</b>	2	6	6	21	9
<b>Victim of THB</b>	<b>Statutory</b>	-	1	-	-	-
	<b>Status Granted by Permanent Task Group</b>	2	5	6	21	9

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

One of the recommendations of the guidelines elaborated for law enforcement by the Inter-Agency Council 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. The victim of the THB is entitled to request compensation for damages from the perpetrator.

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

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

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 as soon as she/he is identified as victim in Georgia, notwithstanding where the fact has occurred. The Compensation amounts 1000 GEL. In 2013, victims of THB returned from Turkey were granted by the compensation by state fund.

#### **Repatriation and return of victims (Article 16)**

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

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.

Foreign victim and statutory victim of trafficking may, at his/her request, can 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 foreign

statutory victims of trafficking enjoy the right of work during the trial proceedings. It is impermissible to expel a foreigner from the territory of Georgia where there are reasonable grounds to believe that he/she may be a (statutory) victim of human trafficking. 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.

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.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

Law enforcement regularly interviews persons who are departed from different countries to Georgia in order to identify THB victims. Any victim who is returned from foreign country is entitled to address to State Fund or the Law enforcement in order to receive services provided by the state for victims of THB.

### **Corporate liability (Article 22)**

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

In 2003, provisions criminalizing trafficking in persons were introduced in the Criminal Code of Georgia (CCG), namely Articles 143<sup>1 4</sup> and 143<sup>2 5</sup> criminalizing the trafficking of adults and children, respectively. The anti-trafficking provisions of the Criminal Code were amended and supplemented in 2006 and 2007, leading to significantly increased sanctions for the crime of THB, the introduction of the criminal liability of legal persons and Article 143<sup>3</sup> on the criminalization of the use of services of victims of THB. The legal person for THB crime will be punished by deprivation of the right to pursue its business or by liquidation.

Criminal Code of Georgia envisages the criminal liability for the perpetrators of trafficking. The Code does not differentiate between trafficking in persons for the purpose of labor exploitation and sexual exploitation. On the other hand, the Law on Combating Trafficking in Human Beings prescribes definitions of sexual exploitation and forced labor. Article 3 of Law on Combating Trafficking in Persons defines sexual exploitation as involvement of a person in prostitution, other sexual services or production of pornographic material by use of threat, violence, coercion or blackmail against him/her or by use of his/her vulnerable situation, by abuse of power, or by provision of false information on the nature and conditions of work. The Law also defines 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.

Trafficking of adults is punishable by deprivation of liberty from seven to 12 years, with deprivation of the right to occupy a certain position or practice a profession for 3 years. However, if THB is committed in aggravating circumstances the offender will be imprisoned from 9 to 20 years.

As for the trafficking in minors, the present crime imposes the imprisonment of perpetrator from eight to 12 years, with deprivation of the right to occupy certain position or practice a profession for one year under Article 143<sup>2</sup> of Criminal Code of Georgia. The crime committed repeatedly, through abuse of power or knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender, is punishable with imprisonment from 11 to 15 years and deprivation of the right to occupy a certain position or practice a profession for 3 years. In case of trafficking in children committed by an organized group or causing the death of child or other grave consequences, the

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<sup>4</sup> Article 143<sup>1</sup> of CCG prohibits selling or buying a person or carrying out any other illegal transactions, as well as enticing, transferring, harboring or receiving a person by means of coercion, blackmail or deception, by using vulnerable situation or abusing of power, with the purpose of exploitation;

<sup>5</sup> Article 143<sup>2</sup> of CCG prohibits Buying or selling a minor or subjecting him/her to other forms of illegal deals, as well as enticing, conveying, hiding, hiring, transporting, handing over, harbouring or receiving a minor for the purpose of exploitation;

perpetrator is punishable by deprivation of liberty from 17 to 20 years, or life imprisonment, and deprivation of the right to occupy a certain position or practice a profession for three years.

In light of this Working Group under the Interagency Council on Combating Trafficking in Human Beings composed of the governmental and non-governmental agencies elaborated the law amendments to improve identified gaps in current THB legislation to correspond the modern forms of trafficking in persons. The final draft of the amendments was sent to UNODC and IOM for the international expertise. The amendment of Criminal Code of Georgia was adopted by Parliament of Georgia on May 29, 2014. New amendment of the of THB article of Criminal Code of Georgia defines the term of exploitation. The amendments in the Criminal Code of Georgia are more 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 draft Note. Also, the sanctions of the crime were revised. As a result, sanctions is increased, namely, supplementary sanctions for trafficking is deprivation of the right to occupy a position or pursue a particular activity for 3 years instead of 2 years.

#### **Aggravating circumstances (Article 24)**

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

During the reporting period (January 1, 2012 – January, 31, 2015) allegations of trafficking involving officials or government entities did not occur.

#### **Non-punishment provision (Article 26)**

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

Article 15 of the Anti-trafficking law of Georgia provides non-punishment provision. According to this article : A (statutory) victim of human trafficking shall be exempted from criminal liability for conducts envisaged in Articles 344 and 362 of the Criminal Code of Georgia and Article 172<sup>3</sup> and 185 of the Administrative Violations Code of Georgia. In addition, a (statutory) victim shall not be held liable for his/her participation in unlawful conducts if he/she had to behave so due to his/her being (statutory)

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victim of human trafficking. Provision of paragraph 1 of this Article shall apply to violations, which the person committed due to his/her being (statutory) victim of human trafficking before the person was granted the status of (statutory) victim of human trafficking.

The Guidelines for the law enforcement includes special recommendation for practical exercise of this provision by the victim of THB. For example prostitution is punishable according administrative Violations Code of Georgia but during revealed cases of sexual exploitation none of victims of human trafficking which was forced to prostituted was not punished.

**Ex parte and ex officio applications** (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

According to the Criminal Code of Georgia if the crime was committed on the territory of Georgia, Georgian law enforcement are entitled to investigate this crime. Additionally, during the criminal proceedings Georgia cooperates with different countries through the mutual legal assistance. (See ANNEX 18) During the reporting period no examples of such cases were identified by law enforcement.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

- a. setting up specialised investigation units and the number of staff involved;

The law enforcement authorities of Georgia are carrying out coordinated effort for criminal justice response to human trafficking. In Georgian criminal justice system, police is in charge of investigating criminal offences under close supervision of the Prosecutors Office of Georgia. Certain investigative activities, which involve restriction of human rights, are to be carried out with the authorisation of judiciary.

Within the MIA, Division for Combating Illicit Trafficking of Drugs, Human Trafficking and Illegal Migration of Central criminal police department has been established. The division's main tasks includes detection and investigation of trafficking offences, detection and apprehension of criminals and/or organized criminal groups, despatch and respond to requests of international cooperation within its competence, as well as continuous preventive activities.

Apart from special anti-trafficking division, all the relevant structural units of the Ministry are involved in detection and response to trafficking offences within their respective competences. If a criminal offence that is investigated by relevant structural unit of the Ministry, reveals signs of human trafficking, the case is referred to the anti-trafficking unit. At various stages, Central Criminal Police Department, Border Police Department, Patrol Police Department, and Neighbourhood Police could be involved in the investigation. Patrol police plays crucial role in detecting and apprehending cases of trans-border trafficking at the border check points. Patrol Police officers and Border guards receive specific training on detecting signs of trans-border trafficking and identification of possible trafficking victims and suspected offenders. Border Police and patrol Police, alongside with other departments of the Ministry of Internal Affairs, are the key structures, which puts "National Referral Mechanism" into operation: when an assumed trafficking victim is identified, he/she is relocated to specific area awaiting the arrival



of legal and psychological counsellors; If the suspicion of trafficking is confirmed, assumed victims are transferred to specially allocated shelters for trafficking victims, where they are provided with financial, psychological and legal support.

Reinforcing proactive identification of the victims is one of top priorities for Georgian Government. Therefore, 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 (hotels, bars, bathes, casinos, etc.). From December, 2014 additional mobile group started functioning.

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 detect and record trafficking risk-bearing areas, and check and study persons, including persons engaged in prostitution, working in organizations that have suspicious reputation. In order to proactively reveal facts of labour trafficking, staff working in the organizations (hotels, bars night clubs, baths etc.) are interviewed on a regular basis. 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 the 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.

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 (which is at the Turkish border and is a high risk area).

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 in the Western part of Georgia. To that end, deported Georgian nationals are regularly (24/7) interviewed at Sarpi border crossing point by the staff of this division.

b. exchange of information with, and obtaining evidence from, other parties;

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*.

Special attention is paid to the prosecution of traffickers. Government of Georgia closely cooperates with the respective law enforcement bodies of foreign states to investigate and prosecute crimes of trafficking.

Chief Prosecutor's Office of Georgia receives and sends motions to the respective foreign law enforcement agencies.

.In 2013, 3 legal requests on mutual legal assistance on THB cases were sent to Turkey (2) and Israel (1). Government of Georgia also closely cooperates with the US and Austrian law enforcements and general secretariat of Interpol. In 2014, 3 legal requests on mutual legal assistance on THB cases were received from Turkey. 2 of them is already finished, one is pending.

In addition, on August 30, 2013 one alleged THB perpetrator was extradited to Turkey and in December one THB perpetrator was extradited to the Netherlands. There are still 1 pending extradition case.

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 Centre, 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.

Action Plan for 2015-2016 (adopted on 14 November 2014) provides further development of international cooperation with partner states, especially with neighbouring 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.

- **In 2012**, the main division for cooperation in the fight against international crime and for coordination of the activities of Georgian MIA representatives\police attachés and liaison officers abroad – **International Criminal Cooperation Centre (ICCC)**, was created within MIA Central Criminal Police Department. The main functions of the Centre are to represent MIA at international organizations and in foreign states through seconded representatives\police attachés and liaison officers, to conduct cooperation with foreign counterparts at operative level, to implement the relevant provisions of international cooperation agreements and of the Law of Georgia “On International Law Enforcement Cooperation”, concerning operative field of cooperation, etc.
- As of December 1, 2014 **the functions of the Centre have been expanded to cover the regional cooperation within the framework of GUAM, BSEC and SELEC**. In terms of police cooperation through GUAM National Law Enforcement, ICCC is equipped with appropriate technical means, which enables the rapid exchange of information through protected channels, direct communication during joint operations, holding video conferences in online regime and facilitating the detection of criminal cases within the shortest possible time.
- Ministry of Internal Affairs of Georgia actively cooperates with police attachés of the EU Member States represented in Georgia or covering Georgia from other Countries: Austria, Belgium, France, Germany, Greece, Italy, Netherlands, UK and other countries (non-EU MSs): Armenia, Azerbaijan, Turkey, Ukraine. The forms of cooperation are: exchange of relevant information (including criminal intelligence information), best practices, statistics, joint measures, adoption and implementation of annual assistance/cooperation plans, trainings, study visits and etc. Furthermore, to strengthen the existing cooperation and further enhance future partnership relations, the Ministry has already deployed police attachés to: **Armenia, Austria, Azerbaijan, Belarus, France, Greece, Turkey (2 police attachés)** and **Ukraine**. Relevant activities are carried out to deploy police attaché to the Federal Republic of Germany.

Within the period of 1 January 2014 and 25 December 2014, Division of Combating Trafficking and Illegal Migration of Central Criminal Police Department of the Ministry of Internal Affairs of Georgia sent cooperation requests via International Criminal Cooperation Center of the same department to the Turkish National Police on 6 criminal cases opened as a result of perpetrated conducts of human trafficking on the basis of bilateral international agreement concluded with the Turkish side and in accordance with the Law of Georgia on International Law enforcement Cooperation. These cooperation requests were related to the establishment of identity of persons involved in the investigation and

establishment of whereabouts of Georgian citizens in the Republic of Turkey. Turkish side provided replies to the all abovementioned requests. The whereabouts of some of the persons were not established yet, but Georgian and Turkish sides continue cooperation for the provision of additional facts and/or information related to the opened criminal cases.

- The investigation on the abovementioned cases is ongoing. Moreover, rogatory letters (MLA cooperation requests) were sent on 2 criminal cases (out of the abovementioned 6 criminal cases) by Prosecution Service of Georgia to the relevant Turkish law enforcement agency requesting the interrogation of persons involved in criminal cases and the provision of evidences in compliance with the requirements envisaged by the Criminal Procedure Code of Georgia and the Law of Georgia on International Cooperation in Criminal Matters.

Georgian police attaché deployed in the Republic of Turkey identified and reported about 1 case of human trafficking, where citizen of Georgia was affected in the Republic of Turkey. The investigation was commenced on the basis of the received information.

- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

Division of Fighting against Trafficking and Illegal Migration fights against trafficking through operational and investigative activities, in particular: based on operative information, also on the ground of an application of a citizen and/or written notification from other bodies, in case signs of crime are seen, investigation is initiated. In addition, identification of potential victims and suspects is undertaken also with the help of operative and/or public sources; the information is re-examined and search of the information on the possible fact of trafficking is carried out. In case the fact of trafficking is revealed the investigation is initiated, as a result of which identification of a victim of trafficking, his/her questioning as a witness and collecting of evidences is performed. Based on relevant investigative and operative actions the information is re-examined, persons who confirm the fact of trafficking are identified and questioned as witnesses, also in order to disclose persons committing the crime and determine criminal connections. During investigation in accordance with Criminal Procedure Code of Georgia can be used Covert investigative actions - wiretapping, Hidden video and audio recording. Investigation of THB cases are conducted fully, effectively and objectively. All legal means should be used for the full and effective investigation of THB cases. The investigation is effective when all investigatory activities are implemented fully, legally, on time and all reasonable activities are used. The full investigation means conducting all operative-investigation activities.

- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

Trafficking in Persons defines sexual exploitation as involvement of a person in prostitution, other sexual services or production of pornographic material by use of threat, violence, coercion or blackmail against him/her or by use of his/her vulnerable situation, by abuse of power, or by provision of false information on the nature and conditions of work. During reporting period was revealed THB case, when minor was engaged in pornography and offenders distribute this material by internet and got profit. During investigation were identified citizen of Israel and citizen of Georgia committed the exploitation toward minor. Both of them were prosecuted and convicted by court – one for 11 years and 6 month and another for 14 years deprivation of liberty. In this case actively participated United States, Israel and Australia's law enforcement agencies, Interpol General Secretariat, United States Embassy in Georgia and the information provided to the Ministry of Internal Affairs of Georgia through the National Bureau of Interpol.

- e. financial investigations to disrupt criminal money flows and ensure asset recovery;

During the investigation of THB cases investigators/prosecutors check if the alleged “trafficker” obtained benefits from the exploitation of the person, they also check his/her property including property received in the period of the commission of the crime. If there is enough evidence they launch investigation under Article 194 (Money Laundering). However analyse demonstrated THB cases revealed on the territory of Georgia are not committed by organized groups and mostly convicted traffickers did not have any financial assets or any valid property.

- f. use of joint investigation teams (JITs).

The Government of Georgia pays particular attention to expanding international cooperation in combating cross-border trafficking. During the current reporting period (January 2012-January 2015) 8 motions on mutual legal assistance on THB cases were sent to Turkey, Uzbekistan and Israel. six motions were sent to Turkey, one motion - to Uzbekistan and one motion on legal assistance was sent to Israel. Government of Georgia also closely cooperates with the US and Austrian law enforcements and general secretariat of Interpol.

- During reporting period (2013) was revealed THB case, when minor was engaged in pornography and offenders distribute this material by internet and got profit. During investigation were identified citizen of Israel and citizen of Georgia committed exploitation toward minor. Both of them were prosecuted and convicted by court – one for 11 years and 6 month and another for 14 years deprivation of liberty. In this case

actively participated United States, Israel and Australia's law enforcement agencies, Interpol General Secretariat, United States Embassy in Georgia and the information provided to the Ministry of Internal Affairs of Georgia through the National Bureau of Interpol.

- „Within the period of 1 January 2014 and 25 December 2014, Division of Combating Trafficking and Illegal Migration of Central Criminal Police Department of the Ministry of Internal Affairs of Georgia sent cooperation requests via International Criminal Cooperation Center of the same department to the Turkish National Police on 5 criminal cases opened as a result of perpetrated conducts of human trafficking on the basis of bilateral international agreement concluded with the Turkish side and in accordance with the Law of Georgia on International Law enforcement Cooperation. These cooperation requests were related to the establishment of identity of persons involved in the investigation and establishment of whereabouts of Georgian citizens in the Republic of Turkey. Turkish side provided replies to the all abovementioned requests. The whereabouts of some of the persons were not established yet, but Georgian and Turkish sides continue cooperation for the provision of additional facts and/or information related to the opened criminal cases.
- The investigation on the abovementioned cases is ongoing. Moreover, rogatory letters (MLA cooperation requests) were sent on 2 criminal cases (out of the abovementioned 5 criminal cases) by Prosecution Service of Georgia to the relevant Turkish law enforcement agency requesting the interrogation of persons involved in criminal cases and the provision of evidences in compliance with the requirements envisaged by the Criminal Procedure Code of Georgia and the Law of Georgia on International Cooperation in Criminal Matters.
- Georgian police attaché deployed in the Republic of Turkey identified and reported about ~~on~~ 1 case of human trafficking, where citizen of Georgia was affected in the Republic of Turkey. The investigation was commenced on the basis of the received information.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

Definition of the exploitation for removal of organs is part of the article on THB of Criminal Procedure Code of Georgia, however during reporting period cases of THB for the purpose of the removal of organs did not occur.



**Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)**

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

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).

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

The State Fund provides legal assistance for the (statutory) victims of human trafficking. The service includes: consultation on legal issues, preparing all the necessary legal documents, legal assistance including representation in the court (if necessary, referral). In addition, psychological, medical and social assistance is provided for the beneficiaries of the State Fund.

**Service of Witness and Victim Coordinator**

Service of Witness and Victim Coordinator has been functioning in the Prosecutor's Office of Georgia since August 2011. In order to make victims/witness relationship with the law-enforcement system

more effective, main function of the service is to provide with fair and dignified treatment during the criminal proceedings and to inform them with detailed information related to the case. The service is based on values and principles like citizen and protection of his/her rights.

- In order to improve the effectiveness of victim/witness relationship with the Court, service representatives provide to a witness, detailed information about the trial procedures, place, date and functions of the witness/victim.
- When participation in an investigative action or a trial is compulsory, the service representatives with the consent of the victim will contact victims employers and provide him/her with the relevant information. Victim and witness service representatives hereby help victim and witness to participate in the procedural actions freely and without difficulties.
- For more confidence they are next to victim and witness in the court building and attend their testimony before the court.
- If victim/witness want to meet a prosecutor, they help them in its organization.
- If person is victim of violent crime, they will help victims overcome the difficulties caused by the trauma.
- If victims/witness request is not in the competencies of the prosecutor's office, they will refer them to the competent institutions. Moreover, in order to create more comfortable atmosphere during case proceedings, they will offer available services to victims/witnesses. They will also organize victim's/witness's meeting with the service providers and their representatives.
- With request of victim witness or by our initiative they will provide victims/witness with the information concerning application, such as who is prosecutor in case, on what stage of consideration application is, what are results of the consideration, etc.

Additionally, since 2007 L.E.P.L Legal Aid Service ensures free legal aid to socially vulnerable population and currently covers nearly the whole territory of Georgia with its LAS bureaus and consultation centers. Legal Aid Service carries out legal aid through its bureaus, consultation centers and contracted public lawyers' register.

Additionally, according to the article 15 of Law on Combating THB person is exempted from liability for committing criminal activities that was conducted due to his/her being as victim of trafficking :

**Article 15. Exemption of (Statutory) Victims of Human Trafficking from Liability**

3. A (statutory) victim of human trafficking shall be exempted from criminal liability for conducts envisaged in Articles 344 and 362 of the Criminal Code of Georgia and Article 172<sup>3</sup> and 185 of the

Administrative Violations Code of Georgia. In addition, a (statutory) victim shall not be held liable for his/her participation in unlawful conducts if he/she had to behave so due to his/her being (statutory) victim of human trafficking.

4. Provision of paragraph 1 of this Article shall apply to violations, which the person committed due to his/her being (statutory) victim of human trafficking before the person was granted the status of (statutory) victim of human trafficking.

### **Jurisdiction (Article 31)**

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

According to the Criminal Code of Georgia the jurisdiction of the Georgia covers offences committed outside of the Georgian territory if such

- A national of Georgia or a stateless person residing permanently in Georgia, who commits abroad an act provided by this Code and considered as a crime according to the legislation of the country where it was committed, shall be imposed criminal responsibility in accordance with this Code.
- A national of Georgia or a stateless person residing permanently in Georgia, who commits abroad an act provided by this Code but not considered as a crime by the legislation of the country where it was committed, shall be imposed criminal liability in accordance with this Code if the crime committed is a serious or a grave crime or if criminal responsibility for this crime is provided by international treaty of Georgia.
- A foreign national or a stateless person not residing permanently in Georgia, who commits abroad an act provided by this Code but not considered as a crime by the legislation of the country where it was committed, shall be imposed criminal liability according to this Code if this is a serious or a grave crime against interests of Georgia or if criminal responsibility for this crime is provided by international treaty of Georgia.

If the offence was committed against citizen of Georgia outside the jurisdiction of the state including in cases where Georgian national is a victim of THB committed abroad investigation will be started under the criminal code of Georgia and offender will be punished according Georgian legislation. Because

according to the criminal code of Georgia - the citizen of a foreign state as well as the stateless person not permanently residing in Georgia who has committed the action under the criminal Code of Georgia shall bear criminal liability under this Code if it is a grave or especially grave offense directed against the interests of Georgia or if the criminal liability for this offense is provided by the International Treaty of Georgia if they have not been convicted in another state. Consequently human trafficking is grave and especially grave crime and if this crime is committed against citizen of Georgia, according to the criminal code of Georgia it is mentioned as crime against human rights and freedoms, which is same time interest of Georgia.

For example On February 2013 regarding the information from INTERPOL, Central Criminal Police Department opened the case on distribution of the pornographic materials of child on various web-sites placed on servers in different countries. According to Information provided by US law enforcement it was confirmed, that the victim of sexual abuse was Georgian girl. As a result of identification of IP addresses provided, investigators found out that, in the crime was involved the mother of victim and citizen of Israel, mother was taking photos of her daughter and sending them abroad by social networks for the citizen of Israel. Israeli citizen was connecting her and planning steps for producing materials for some money. Department began active cooperation with international partners and In process of investigation actively involved law enforcement agencies of Israel, Australia, US and INTERPOL. Israeli Police found out that suspect from Israel was negotiating with another person's on selling the pornographic materials of different victims and between them also was 11 years old Georgian girl. Also with one "customers" he was considering the details of arrangement the meeting with the girl for sexual relations. Law enforcements identified the IP addresses from where the materials were distributed and they belonged to Israeli suspect. Alongside Australian Police sent CD with pornographic materials and according to the forensic expertise investigators identified the personal data of the victim of child trafficking and proved that she was Georgian 11 years old girl. On April 2013 after recovering all accurate evidences joint operation was provided by Georgian and Israeli police and the mother of victim was detained in Georgia and after accusation sent to prison, also suspect citizen of Israel was arrested in Israel. According to resolution of Tbilisi City Court the mother of victim was sentenced to 14 years of imprisonment, and Israeli citizen sentenced to 11,6 years of imprisonment.

Also unit combating human trafficking and illegal migration of Central Criminal Police Department of the Ministry of Internal Affairs of Georgia initiated investigation on the cases regarding human trafficking committed against citizens of Georgia abroad and identified them as statutory victims of human trafficking.

## International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

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*.

On 22 December, 2014, delegation of the Department of Migration of the Republic of Turkey visited the Georgian stakeholders. In the framework of the meeting information on experience regarding the anti-THB policy implementation was exchanged between the parties.

The Government of Georgia pays particular attention to expanding international cooperation in combating cross-border trafficking. In 2013, 3 legal requests on mutual legal assistance on THB cases were sent to Turkey (2) and Israel (1). Government of Georgia also closely cooperates with the US and Austrian law enforcements and general secretariat of Interpol. In 2014, 3 legal requests on mutual legal assistance on THB cases were received from Turkey. 2 of them is already finished, one is pending.

In addition, on August 30, 2013 one alleged THB perpetrator was extradited to Turkey and in December one THB perpetrator was extradited to the Netherlands. There are still 1 pending extradition case.

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

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 18.

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.

- **In 2012**, the main division for cooperation in the fight against international crime and for coordination of the activities of Georgian MIA representatives\police attachés and liaison officers abroad – **International Criminal Cooperation Center (ICCC)**, was created within MIA Central Criminal Police Department. The main functions of the Center are to represent MIA at international organizations and in foreign states through seconded representatives\police attachés and liaison officers, to conduct cooperation with foreign counterparts at operative level, to implement the relevant provisions of international cooperation agreements and of the Law of Georgia “On International Law Enforcement Cooperation”, concerning operative field of cooperation, etc.
- As of December 1, 2014 **the functions of the Center have been expanded to cover the regional cooperation within the framework of GUAM, BSEC and SELEC**. In terms of police cooperation through GUAM National Law Enforcement, ICCC is equipped with appropriate technical means, which enables the rapid exchange of information through protected channels, direct communication during joint operations, holding video conferences in online regime and facilitating the detection of criminal cases within the shortest possible time.
- Ministry of Internal Affairs of Georgia actively cooperates with police attachés of the EU Member States represented in Georgia or covering Georgia from other Countries: Austria, Belgium, France, Germany, Greece, Italy, Netherlands, UK and other countries (non-EU MSs): Armenia, Azerbaijan, Turkey, Ukraine. The forms of cooperation are: exchange of relevant information (including criminal intelligence information), best practices, statistics, joint measures, adoption and implementation of annual assistance/cooperation plans, trainings, study visits and etc. Furthermore, to strengthen the existing cooperation and further enhance future partnership relations, the Ministry has already deployed police attachés to: **Armenia, Austria, Azerbaijan, Belarus, France, Greece, Turkey (2 police attachés) and Ukraine**. Relevant activities are carried out to deploy police attaché to the Federal Republic of Germany.

Within the period of 1 January 2014 and 25 December 2014, Division of Combating Trafficking and Illegal Migration of Central Criminal Police Department of the Ministry of Internal Affairs of Georgia sent cooperation requests via International Criminal Cooperation Center of the same department to the Turkish National Police on 5 6 criminal cases opened as a result of perpetrated conducts of human trafficking on the basis of bilateral international agreement concluded with the Turkish side and in accordance with the Law of Georgia on International Law enforcement Cooperation. These cooperation requests were related to the establishment of identity of persons involved in the investigation and establishment of whereabouts of Georgian citizens in the Republic of Turkey. Turkish side provided



replies to the all abovementioned requests. The whereabouts of some of the persons were not established yet, but Georgian and Turkish sides continue cooperation for the provision of additional facts and/or information related to the opened criminal cases.

- The investigation on the abovementioned cases is ongoing. Moreover, rogatory letters (MLA cooperation requests) were sent on 2 criminal cases (out of the abovementioned 5 6 criminal cases) by Prosecution Service of Georgia to the relevant Turkish law enforcement agency requesting the interrogation of persons involved in criminal cases and the provision of evidences in compliance with the requirements envisaged by the Criminal Procedure Code of Georgia and the Law of Georgia on International Cooperation in Criminal Matters.

Georgian police attaché deployed in the Republic of Turkey identified and reported about ~~on~~ 1 case of human trafficking, where citizen of Georgia was affected in the Republic of Turkey. The investigation was commenced on the basis of the received information

## Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

The Government of Georgia has the necessary bi-lateral agreements in place relating to the fight against trafficking to be able to work with key partners at international level and within an international investigation situation. Georgia has signed and ratified the Council of Europe Convention against Trafficking in Human Beings which entered into force on 1 February 2008. The Convention aims to prevent trafficking in human beings, protect victims of trafficking, prosecute traffickers, and promote co-ordination of national

The Government of Georgia pays particular attention to expanding international cooperation in combating cross-border trafficking. In 2014, 3 legal requests on mutual legal assistance on TIP cases were received from Turkey. 2 of them is already finished, one is pending. In December 2014 one TIP perpetrator was extradited to the Netherlands. There is still 1 pending extradition case to Turkey.

In January 2015, Georgia was enlisted in priority list of the EUROJUST that means that cooperation with agency will develop further and the negotiations will be started for the conclusion of agreement on cooperation.

- On 25th 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 4th of October 2013. Georgia deposited its instrument of ratification with the Secretary General of the Council of Europe on 10th of January 2014. Pursuant to the Article 30 (3) of the Protocol, this Protocol entered into force for Georgia since 1st of May 2014.

- In 2012, the main division for cooperation in the fight against international crime and for coordination of the activities of Georgian MIA representatives/police attachés and liaison officers abroad – International Criminal Cooperation Center (ICCC), was created within MIA Central Criminal Police Department. The main functions of the Center are to represent MIA at international organizations and in foreign states through seconded representatives/police attachés and liaison officers, to conduct

cooperation with foreign counterparts at operative level, to implement the relevant provisions of international cooperation agreements and of the Law of Georgia “On International Law Enforcement Cooperation”, concerning operative field of cooperation, etc.

- Ministry of Internal Affairs of Georgia actively cooperates with police attachés of the EU Member States represented in Georgia or covering Georgia from other Countries: Austria, Belgium, France, Germany, Greece, Italy, Netherlands, UK and other countries (non-EU MSs): Armenia, Azerbaijan, Turkey, Ukraine. The forms of cooperation are: exchange of relevant information (including criminal intelligence information), best practices, statistics, joint measures, adoption and implementation of annual assistance/cooperation plans, trainings, study visits and etc. Furthermore, to strengthen the existing cooperation and further enhance future partnership relations, the Ministry has already deployed police attachés to: Armenia, Austria, Azerbaijan, Belarus, France, Greece, Turkey (2 police attachés) and Ukraine. Relevant activities are carried out to deploy police attaché to the Federal Republic of Germany.

Within the reporting period, Division of Combating Trafficking and Illegal Migration of Central Criminal Police Department of the Ministry of Internal Affairs of Georgia sent cooperation requests via International Criminal Cooperation Center of the same department to the Turkish National Police on 5 criminal cases opened as a result of perpetrated conducts of human trafficking on the basis of bilateral international agreement concluded with the Turkish side and in accordance with the Law of Georgia on International Law enforcement Cooperation. These cooperation requests were related to the establishment of identity of persons involved in the investigation and establishment of whereabouts of Georgian citizens in the Republic of Turkey. Turkish side provided replies to the all abovementioned requests. The whereabouts of some of the persons were not established yet, but Georgian and Turkish sides continue cooperation for the provision of additional facts and/or information related to the opened criminal cases.

The investigation on the abovementioned cases is ongoing. Moreover, rogatory letters (MLA cooperation requests) were sent on 2 criminal cases (out of the abovementioned 5 criminal cases) by Prosecution Service of Georgia to the relevant Turkish law enforcement agency requesting the interrogation of persons involved in criminal cases and the provision of evidences in compliance with the requirements envisaged by the Criminal Procedure Code of Georgia and the Law of Georgia on International Cooperation in Criminal Matters.

Turkish side provided information to Georgian side through Georgian police attaché deployed in the Republic of Turkey on 1 case of human trafficking, where citizen of Georgia was affected in the Republic of Turkey. The investigation was commenced on the basis of the received information.

Thus, there is various mechanism to exchange and transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

In 2012, Georgian Ministry of Internal Affairs, Legal Entity of Public Law – “112” was created for establishing emergency service effective system.

“112” is a 24-hour Emergency and Operative Response Centre that receives emergency calls from all over Georgia via united emergency number – 1-1-2.

Emergency response center “112” has following advantages:

- One emergency number instead of different numbers
- High quality operative response during emergency situations
- United electronic system
- Information saving and analyzing possibility
- Emergency services monitoring possibility
- More comfort for locals and tourists
- A single emergency number in Europe

### **Co-operation with civil society (Article 35)**

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

Inter-Agency Coordinating Council actively cooperates with local non-governmental organizations working on THB issues. NGOs are regularly attending on council meetings and they are also involved in work conducted by different working groups established by the council. NGOs are providing their opinions on the development and implementation of state policy through the comments on action plans. Many of them are also involved in organizing and conducting special trainings for law enforcement and

other officials providing services to victims of trafficking. In particular, the following organisations are cooperating with council: UNICEF, International Organization for Migration (IOM), “Georgian Young Lawyers Association”, “Tanadgoma”, “Anti-Violence Network of Georgia”, “Civil Development Agency”, “Women’s Information Center”, “Migration Center”, “Save the Children”, “Caritas Georgia”. The permanent group under the Inter-Agency Council, responsible for granting victim status to identified persons is solely composed by local NGOs and representative of IOM.

Permanent Group on identification of the THB victims is composed by the representatives of local NGOs and representative from International Organization for Migration. This group is solely responsible for granting victim status to individuals, upon that all state services are provided.

In addition, in 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 (which is at the Turkish border and is a high risk area).

In order to strengthen cooperation with local NGOs and implement effective information campaign in 2012 Ministry of Justice issued 2 grants for civil society. In addition, MOJ announced the Grant contest on March 27, 2014. Local NGO “Migration Center” won the grant project which was mainly of educational character aiming at awareness rising of the community on nature of trafficking, related threats and mechanisms combating of THB. Within the framework of the grant project the following activities have been conducted:

- a. Information 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;
- b. On August 11, 2014 information meetings with people willing to travel and work in Turkey was organized at the Center for Civic Engagement;
- c. 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;
- d. On August 12, 2014 Street Informational Campaign was launched in the boulevard in Batumi. The 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. A cultural event was conducted at Shota Rustaveli Batumi State University. Local residents, students and tourists actively participated in cultural meeting.
  - e. On August 13, with the participation of local residents and representatives of “Migration Center” a Flash Mob was organized in Batumi Boulevard after which 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.

Government pays 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 all relevant ministries, international organisations and NGOs working on problems of children was established by the Inter-agency Council in November, 2014. The purpose of working group is to elaborate strategy on trafficking threats faced by children working and living in the streets and to propose effective measures to tackle with these threats.

#### **Relationship with other international instruments (Article 40)**

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

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*.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

Victims of THB are provided with different services by the government of Georgia, including compensation and shelter. In reporting period there have not been cases of the granting refugee status to THB victims.

## **D. Final questions**

62. Which bodies and organisations contributed to responding to this questionnaire?

Ministry of Justice (Secretariat of the Inter-Agency Coordinating Council on Combating THB);  
 Ministry of Internal Affairs;  
 Prosecutor's Office of Georgia;  
 Ministry of Labor, Health and Social Affairs,  
 Ministry of Economics and Sustainable Development;  
 Ministry of Education and Science;  
 L.E.P.L State Fund for Protection and Assistance of (statutory) victims of Human Trafficking;  
 L.E.P.L State Services Development Agency

NGOs were also given possibility to provide the secretariat with information in response to the questionnaire

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

Public International Law Department of Ministry of Justice of Georgia – Secretariat of Inter-Agency Coordination Council on Combating Trafficking in Human Beings

## E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

In 2012 law enforcement identified 3 statutory victim of human trafficking. (women)

In 2013 law enforcement identified 10 statutory victims of human trafficking. (women)

In 2014 law enforcement identified 7 statutory victims of human trafficking. (women)

All above mentioned victims/statutory victims of trafficking were referred to the State Fund by law enforcements.

### Beneficiaries (victims of THB) of the State Fund by Years

		2010	2011	2012	2013	2014
<b>Sex</b>	<b>Male</b>	4	1	1	21	8
	<b>Female</b>	13	10	7	7	7
<b>Age</b>	<b>&lt;18</b>	-	-	-	1	-
	<b>18 – 25</b>	3	2	1	13	4
	<b>26 - 35</b>	4	4	6	8	6
	<b>36 - 45</b>	4	2	-	3	4
	<b>46 - 60</b>	6	3	1	3	1
	<b>&gt; 60</b>	-	-	-	-	-
<b>Nationality</b>	<b>Georgian</b>	15	10	7	24	12
	<b>Foreign</b>	2	1	1	4	3
<b>Form of Exploitation</b>	<b>Sexual</b>	5	3	4	7	5
	<b>Labor</b>	12	8	4	21	10
<b>Type of THB</b>	<b>Internal</b>	4	9	1	6	4
	<b>Transnational</b>	13	2	7	22	11
<b>Victim of</b>	<b>Statutory</b>	10	4	1	4	4



<b>THB</b>									
	<b>Status granted by permanent Task group</b>	7	7	7	24	11			
<b>Services of the State Fund</b>	<b>Shelter</b>	8	8	7	5	5			
				<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
				1	6	-	5	-	5
	<b>Legal Assistance</b>	8	11	8	28	15			
	<b>Psychological Assistance</b>	8	8	7	5	5			
<b>Medical Assistance</b>	8	7	6	3	3				

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

In 2012 law enforcement identified 3, in 2013 -10, in 2014 -9 statutory victim of human trafficking. (women). All above mentioned victims/statutory victims of trafficking were referred to the State Fund by law enforcements.

Also Law enforcements regularly interview Georgian nationals deported from Turkey and European countries with a view to revealing potential THB cases. In 2012 -1095, 2013 – 1524, In 2014 – 1829 persons were interviewed. Based on that, in 2013 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. Also in 2014 1 Georgian national was identified as victim of forced labour in Turkey.

### **Statistics of Persons Identified as Victims of THB by the Permanent Task Group**

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Status Granted by Permanent Task Group</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>29</b>	<b>5</b>

<b>Sex</b>	<b>Male</b>	2	–	1	25	4
	<b>Female</b>	1	1	3	4	1
<b>Age</b>	<b>&lt;18</b>	–	–	–	–	–
	<b>18 – 25</b>	–	–	–	12	1
	<b>26 - 35</b>	–	1	4	8	2
	<b>36 - 45</b>	–	–	–	5	2
	<b>46 - 60</b>	3	–	–	4	–
	<b>&gt; 60</b>	–	–	–	–	–
<b>Nationality</b>	<b>Georgian</b>	3	1	4	27	5
	<b>Foreign</b>	–	–	–	2	–
<b>Form of Exploitation</b>	<b>Sexual</b>	1	1	2	2	1
	<b>Labour</b>	2	–	2	27	4
<b>Type of THB</b>	<b>Internal</b>	–	–	–	2	–
	<b>Transnational</b>	3	1	4	27	5

*Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).*

According to the Georgian legislation THB victim has the right to enjoy with the reflection period (30 days) to think about whether cooperate with law enforcements or not. Countdown of the reflection period 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. During reporting period Victims of human trafficking did not use the reflection period and directly cooperated with law enforcement.

*Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).*

### **Beneficiaries (victims of THB) of the State Fund by Years**

		<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Sex</b>	<b>Male</b>	4	1	1	21	8
	<b>Female</b>	13	10	7	7	7
	<b>&lt;18</b>	-	-	-	1	-

<b>Age</b>	<b>18 – 25</b>	3	2	1	13	4			
	<b>26 - 35</b>	4	4	6	8	6			
	<b>36 - 45</b>	4	2	-	3	4			
	<b>46 - 60</b>	6	3	1	3	1			
	<b>&gt; 60</b>	-	-	-	-	-			
<b>Nationality</b>	<b>Georgian</b>	15	10	7	24	12			
	<b>Foreign</b>	2	1	1	4	3			
<b>Form of Exploitation</b>	<b>Sexual</b>	5	3	4	7	5			
	<b>Labor</b>	12	8	4	21	10			
<b>Type of THB</b>	<b>Internal</b>	4	9	1	6	4			
	<b>Transnational</b>	13	2	7	22	11			
<b>Victim of THB</b>	<b>Statutory</b>	10	4	1	4	4			
	<b>Status granted by permanent Task group</b>	7	7	7	24	11			
<b>Services of the State Fund</b>	<b>Shelter</b>	8	8	7		5		5	
				<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>
			1	6	-	5	-	5	
	<b>Legal Assistance</b>	8	11	8		28		15	
	<b>Psychological Assistance</b>	8	8	7		5		5	
<b>Medical Assistance</b>	8	7	6		3		3		

*Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).*

Before September 2014, due to the easy visa regulations, victims of THB did not usually require residence permits. As the new law on Legal Status of the Foreigners and Stateless Persons came into force in 2014, all foreigners and stateless persons are obliged to obtain relevant residence permits till 1<sup>st</sup> March 2015. Due to the amendments to the regulations law enforcements addressed State Service

Development Agency in order to issue residence permits on some of the foreign victims. The process of granting of residence permits is ongoing.

*Number of victims given refugee status and subsidiary/complementary protection.*

There have not been cases of necessity of granting victim with refugee status in reporting period.

*Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.*

### **Statistics of Compensation (1000 GEL) Issued by the State Fund for the Victims of THB**

		2010	2011	2012	2013	2014
<b>Sex</b>	<b>Male</b>	2	-	1	21	6
	<b>Female</b>	-	6	5	-	3
<b>Age</b>	<b>&lt;18</b>	-	-	-	-	-
	<b>18 – 25</b>	-	1	1	9	2
	<b>26 - 35</b>	-	3	4	6	3
	<b>36 - 45</b>	-	-	-	3	3
	<b>46 - 60</b>	2	2	1	3	1
	<b>&gt; 60</b>	-	-	-	-	-
<b>Nationality</b>	<b>Georgian</b>	2	6	6	21	9
	<b>Foreign</b>	-	-	-	-	-
<b>Form of Exploitation</b>	<b>Sexual</b>	-	1	2	-	1
	<b>Labor</b>	2	5	4	21	8
<b>Type of THB</b>	<b>Internal</b>	-	-	-	-	-
	<b>Transnational</b>	2	6	6	21	9
<b>Victim of THB</b>	<b>Statutory</b>	-	1	-	-	-
	<b>Status Granted by Permanent Task Group</b>	2	5	6	21	9

*Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).*

*Number of persons who were subjected to THB abroad and granted with victim/ statutory victim status in Georgia*

**Statistics of Persons Identified as Victims of THB by the Permanent Task Group**

		2010	2011	2012	2013	2014
<b>Status Granted by Permanent Task Group</b>		<b>3</b>	<b>1</b>	<b>4</b>	<b>29</b>	<b>5</b>
<b>Sex</b>	<b>Male (M)</b>	2	–	1	25	4
	<b>Female (F)</b>	1	1	3	4	1
<b>Age</b>	<b>&lt;18</b>	–	–	–	–	–
	<b>18 – 25</b>	–	–	–	12	1
	<b>26 - 35</b>	–	1	4	8	2
	<b>36 - 45</b>	–	–	–	5	2
	<b>46 - 60</b>	3	–	–	4	–
	<b>&gt; 60</b>	–	–	–	–	–
<b>Form of Exploitation</b>	<b>Sexual</b>	1	1	2	2	1
	<b>Labour</b>	2	–	2	27	4
<b>Type of THB</b>	<b>Internal</b>	–	–	–	–	–
	<b>Transnational</b>	3	1	4	27	5
<b>Nationality</b>	<b>Georgian</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>27</b>	<b>5</b>



	Task Group					
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*Number of investigations into THB cases.*

In 2012 investigation was launched in 10 THB cases

In 2013 investigation was launched in 11 THB cases

In 2014 investigation was launched in 13 THB cases

*Number of prosecutions of THB cases.*

In 2012 was prosecuted 1 person

In 2013 were prosecuted 5 persons

In 2014 were prosecuted 5 persons for 7 charges (2 persons among the 5 are charged for 2 separate episodes)

*Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.*

In 2012 was convicted 1 person and was punished by deprivation of liberty for years;

In 2013 were convicted 2 person - One person was punished by deprivation of liberty for 6 years and 8 months, the second person was punished by deprivation of liberty for 9 years;

In 2014 were convicted 4 persons for adult trafficking - One trafficker was punished by deprivation of liberty for 13 years; second one punished by deprivation of liberty for 12 years; third one punished by deprivation of liberty for 7 years . Fourth one was punished for life imprisonment;

Furthermore in 2014 for minor trafficking were convicted 2 persons - One trafficker was convicted for 14 years; second one for 11 years and 6 month.

*Number of judgments resulting in the confiscation of assets.*

No judgments were rendered with the result of the confiscation of assets.

*Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.*

There have not been cases of closure of a businesses or an establishment that was being used for commission of THB, however mobile groups, under the ministry of Internal Affairs of Georgia inspected

and identified different institutions such as bars, baths and saunas in Tbilisi, Guria, Kakheti, Samegrelo, Kvemo Kartli, Shida Kartli, Adjara and Imereti. During the inspections several cases of providing venue for THB were identified and criminal proceedings were initiated. The statistic for providing a venue for prostitution (article 254) along the whole territory of Georgia is following:

On 2012 – The Ministry of Internal Affairs of Georgia launched 6 investigation and resulted so far in charging 14 persons;

2013 - The Ministry of Internal Affairs of Georgia launched 70 investigation and resulted so far in charging 102 persons;

01/01/2014-30/08/2014 - The Ministry of Internal Affairs of Georgia launched 51 investigation and resulted so far in charging 49 persons.

*Number of convictions for the use of services of a victim of THB.*

During the reporting period (January 1, 2012 – January, 31, 2015) use of services of a victim of THB did not occur.