



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

**Recommendation CP/Rec(2021)03
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Georgia**

*adopted at the 28th meeting of the Committee of the Parties
on 4 June 2021*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Georgia on 14 March 2007;

Recalling Committee of the Parties' Recommendation CP(2016)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia and the report of the Georgian authorities on measures taken to comply with this recommendation, submitted on 23 May 2017;

Having examined the third report concerning the implementation of the Convention by Georgia, adopted by GRETA at its 39th meeting (18-20 November 2020), as well as the comments of the Georgian Government received on 12 February 2021;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Georgia;

Welcoming the measures taken and progress achieved by the Georgian authorities in implementing the Convention, and in particular:

- the adoption of national action plans on combatting trafficking in human beings (THB) for 2017-2018 and 2019-2020;
- the revision of the Guidelines for Law Enforcement on the investigation and prosecution of human trafficking cases and handling of victims of trafficking;

- the steps taken in the area of juvenile justice, including developing a child-friendly environment in courts and providing training to judges and lawyers;
- the adoption of the new Child Protection Referral Mechanism;
- the extension of the mandate of the Labour Inspectorate to cover forced labour and THB;
- the engagement in international co-operation in the fight against trafficking in human beings.

A. Recommends that the Government of Georgia take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. facilitate and guarantee access to compensation for victims of trafficking, including by:
 - introducing a procedure through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;
 - ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
 - enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and by guaranteeing effective access to legal assistance and free legal aid;
 - including compensation in existing training programmes for law enforcement officials and the judiciary;
 - encouraging prosecutors and judicial authorities to make full use of the legislation on the freezing and forfeiture of offenders' assets and international co-operation to secure compensation to victims of THB;
 - reviewing the procedure for awarding one-off compensation by the State Fund with a view to ensuring that it is not conditional on failure to obtain compensation from the perpetrator through court proceedings, and ensuring that in practice it does not depend on the victims' co-operation in the law enforcement authorities;
 - increasing the amount of the one-off compensation payment with a view to meeting the reintegration needs of victims, and using confiscated criminal assets to finance the State Fund (paragraph 64);
2. take additional measures to ensure that THB cases lead to effective, proportionate and dissuasive sanctions and are not re-qualified as other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation. If an alternative charge is preferred in THB cases, this should be recorded and monitored by the Prosecutor's Office. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation (paragraph 81);

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

3. make additional efforts to prevent and combat THB for the purpose of labour exploitation, in particular by:

- ensuring that the new Labour Safety Law is fully implemented in practice, and that sufficient resources are made available to labour inspectors to fulfil their mandate in the prevention of THB;
- training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and victims' rights, taking into account an extensive interpretation of THB for labour exploitation, and considering potential groups at risk;
- building strategic partnerships with civil society, including with trade unions and the private sector (paragraph 135);

4. take further steps to proactively identify victims of THB, including by:

- improving the selection and training of the members of the Permanent Group and guaranteeing that the Permanent Group's working procedures are victim-oriented, in particular that the burden of proof is not shifted on the victim;
- increasing their efforts to proactively identify victims of trafficking for the purpose of labour exploitation;
- paying increased attention to detecting victims of trafficking amongst foreign workers, asylum seekers and persons placed in immigration detention centres (paragraph 147).

B. Recommends that the Georgian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Georgia to report to the Committee of the Parties on the measures taken to comply with this recommendation by **4 June 2023**.

D. Invites the Government of Georgia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.