

Strasbourg, 18 April 2011

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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**

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## Preliminary Questions

1. Question 1: Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire.

*The body responsible for coordinating the collection of the replies to this questionnaire is the Georgian Permanent Interagency Coordination Council for carrying out Measures against THB (hereinafter – also “the Coordination Council”).*

Please specify the name and professional title of the person heading this State body/agency.

*Mr. Zurab Adeishvili, Minister of Justice of Georgia, was appointed by the President of Georgia to chair the Coordination Council.*

Please indicate if this person is the “contact person” appointed by your country to liaise with GRETA or a different person.

*“Contact person” appointed by Georgia is Dr. Ketevan Khutsishvili.*

2. Question 2: Which State bodies/agencies contributed to responding to this questionnaire?

*The following state bodies contributed to responding to this questionnaire:*

- a) *Ministry of Justice of Georgia, together with*
- b) *the Georgian Prosecution Service;*
- c) *Ministry of Labour, Health and Social Affairs, together with*
- d) *the Georgian State Fund for Protection of and Assistance to (Statutory) Victims of THB;*
- e) *Ministry of Internal Affairs of Georgia;*
- f) *Ministry of Education and Science of Georgia;*
- g) *Ministry of Foreign Affairs of Georgia*

Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.

- a) *Ministry of Justice of Georgia is responsible for the overall legislative basis, including residence permits, issuance of identification documents, etc. The Ministry of Justice of Georgia, as a principal body responsible for policy development, execution of legal proceedings and protection of the public, plays a key role in democratic development and improvement of the legal system in the state. Under the influence of expanding democratic reforms, the responsibilities of the Ministry expanded to include such functions as:*
  - *Harmonizing legislation with international guidelines;*
  - *Formation of the State Register;*

- *Identifying standards of active regulatory acts;*
- *Adjustment of emigration and migration procedures;*
- *Notary Functions;*
- *Public Registry Services;*
- *Civil Registry Services – including registration of civil acts, from birth to death;*
- *State Archives;*
- *Enforcement of court decisions;*
- *Arrangement of the state representation at the European Court of Human Rights. Protecting State interests at national and international courts and tribunals;*

b) *the Georgian Prosecution Service is responsible for criminal prosecution of THB.* Chief Prosecutor's Office of Georgia is in general responsible for:

- Conducting the full pre-investigation in cases foreseen by the law;
- Supervision on the precise and uniform execution of the law during the activities of the operative-investigative organs;
- Criminal prosecution;
- Carrying out the procedural management on the investigative stage in order to ensure the implementation of the criminal prosecution;
- Inspecting facts related to the infringement of rights of detainees and fulfilling procedural duties at pre-trial detention, penitentiary, correction and other institutions which execute penalty or any other constraint measures appointed by the Court;
- Participating in the criminal case during the court session in the capacity of the State Prosecutor;
- Coordinating the fight against the crime;
- Implementation of the measures ensuring the Human Rights protection;
- Conducting the investigative and other procedural activities at the territory of a foreign state and conducting the same activities at the territory of Georgia with the request from the competent authorities of a foreign state, extradition of the Georgian national from a foreign state in order to face criminal responsibility and serve the penalty, extradition of foreign national with the same purposes;
- Carrying out other powers foreseen in the Criminal Procedure Legislation and “the Law of Georgia on the Prosecution Service”.

The Analytical Department of the Georgian Prosecution Service distributes statistics among the agencies of the Government of Georgia, NGOs and the international community on THB investigations, arrests and convictions.

- c) The Ministry of Labor, Health and Social Protection provides all necessary medical assistance to THB victims and state control over the State Fund – see below.
- d) *the Georgian State Fund for Protection of and Assistance to (Statutory) Victims of THB* (hereinafter – also “the State Fund”) is Legal entity of Public law, which is established for the purpose of effective implementation of protection, assistance and rehabilitation measures for the (statutory) victims of trafficking in human beings. State control over the Fund is exercised by the Ministry of Labor, Health and Social Protection of Georgia.

The purpose of the State Fund is to grant compensation to (statutory) victims of trafficking in human beings as well as to finance their protection, assistance and rehabilitation measures. Sources of income of the Fund are: state budgetary resources; resources received from international

organizations; contributions from legal entities and natural persons; other income permitted under legislation of Georgia.

The Fund is also responsible for implementing the Rehabilitation and Reintegration Strategy and overseeing all assistance to THB victims.

The Fund also operates two state run THB victim shelters in the country.

- e) *Ministry of Internal Affairs of Georgia*, and its Special Operations Department, is the lead investigative law enforcement agency regarding THB in Georgia. If the Georgian Patrol Police dealing with Border detain any suspected traffickers or identify potential THB victims, they refer them to Special Operations Department (hereinafter – also SOD), who will lead the investigation.
- f) *Ministry of Education and Science of Georgia deals with the issues of education, including vocational education and training, public awareness raising.*
- g) *Ministry of Foreign Affairs of Georgia deals with diplomatic relations and consular services.*
- h) The Coordination Council, which is comprised of representatives of Government of Georgia, individual experts and international organizations and domestic NGOs, is responsible for coordinating and monitoring nationwide anti-human trafficking efforts, and is the lead anti- THB agency. The Minister of Justice of Georgia, previously the Prosecutor General of Georgia (in November 2008 the Ministry of Justice and Prosecution Service of Georgia merged and the former Prosecutor General of Georgia is Minister of Justice, which has Prosecution Office of Georgia, led by the Chief Prosecutor, within the system of Ministry of Justice) is the chair of the Council.

3. Question 3: Did any non-governmental organizations (NGOs) or other entities of civil society contribute to responding to this questionnaire?

Yes. Georgian Young Lawyers' Association (GYLA), NGO Women for Future, and NGO the Anti-Violence Network - Georgia.

If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.

The main activities for each of the NGOs are legal assistance, contribution to professional training and guidance, as well as grass-roots outreach to victims and potential victims. Through their membership on the Georgian Government's Inter-Agency Anti-THB Coordination Council, NGOs play an important role in the design, development, and implementation of Government of Georgia's anti-THB efforts. Government of Georgia works in close cooperation with NGOs in every sphere of anti-THB activity – public outreach, victim assistance and repatriation, and Anti-THB prevention and prosecution. In addition, the Interagency Coordination Council provides full access to all NGOs regarding public THB-related information.

4. Question 4: Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).

Georgian legislation does consider THB as a human rights violation. According to the Law of Georgia on fight against trafficking inhuman beings, "State policy in preventing and combating trafficking in human beings, and in protection, assistance and rehabilitation of the (statutory) victims of trafficking in human beings shall be

determined in accordance with the obligations under the Constitution and international treaties of Georgia relative to combating the transnational organized crime and corruption and the protection of human rights. The state shall promote prevention of trafficking in human beings, protection of human rights of (statutory) victims of trafficking in human beings, their assistance and rehabilitation and shall implement measures to combat trafficking in human beings. State agencies responsible for preventing and combating trafficking in human beings, and protection, assistance and rehabilitation of victims of trafficking in human beings, shall be guided by the Constitution of Georgia, international treaties of Georgia, this Law and other relevant normative acts."

Government of Georgia, despite the reduced funding available for NGOs by international community, does encourage NGOs to get involved in partnerships even more than during the previous years. GOG acknowledges the problem of human trafficking as a human rights problem in the country, and thus allocated even increased budget to the State Fund than in previous years, despite the general cut of budgetary allocations for absolute majority of state agencies in 2010.

5. *Question 5:* Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (for example, constitutional protection, positive obligation of the state, priority examination, etc.).

Constitutional protection: Chapter II of the Constitution of Georgia is dedicated to Human Rights. At the same time there is a special law on Fight against Trafficking in Human Beings, dealing specifically with the cases of THB and protection of rights of victims of THB.

6. *Question 6:* Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims and to criminalise THB and prosecute traffickers.

**The Law on the Fight against Trafficking in Human Beings** was adopted on April 28, 2006: The Law is a practical tool in the fight against trafficking in human beings. It envisages the mechanisms for the prosecution of traffickers as well as for the protection, assistance, and rehabilitation of THB victims. It defines the roles of state authorities in preventing and combating the crime of human trafficking. The law regulates the criminal procedures in the prosecution of the crime of trafficking in human beings, releases victims of human trafficking from criminal responsibility for wrongful acts committed due to being the victim of THB, and envisages the establishment of shelters. It should also be noted that the Law on the Fight against Trafficking in Human Beings (2006) also implemented the following initiatives: Creating the State Fund for THB Victim Protection and Assistance (the purpose of the Fund is to pay compensation to human trafficking victims and ensure financing of their protection, assistance and rehabilitation measures as well as management and utilization of the property confiscated from traffickers); Arranging shelters for THB victims (the purpose of the arrangement of shelters is to protect the legal rights and interests of human trafficking victims, and give them assistance, rehabilitation and full integration back into their families and society); Creating the (Permanent) Coordination Council for Combating Human Trafficking (the purpose of the Council is to promote the effective coordination of Government of Georgia's and NGO activities for the prevention of THB, prosecution and punishment of traffickers, and protection, assistance and rehabilitation of victims - as well as to coordinate, monitor and evaluate these activities); Forming the Unified Database on Traffickers; Establishing uniform standards and rules for the identification of human trafficking victims through the National Referral Mechanism; Determining the composition, activities, and authority of the Permanent Group and Mobile Groups established within the Council; Establishing uniform standards for shelters for THB victims; Formally providing a plan, funding, and staff to rehabilitate and reintegrate THB victims back into society, whether they choose to remain in Georgia or return to their country of origin; Establishing structures for THB victim assistance.

**Criminalization:**

The Criminal Code of Georgia, in Article 143<sup>1</sup> of the Criminal Code of Georgia (CCG), prohibits and punishes THB. Article 143<sup>2</sup> criminalizes the trafficking of a minor, and Article 143<sup>3</sup> criminalizes the use of a (statutory) THB victim's services. All three articles refer to the definition of exploitation as provided by the Council of Europe Convention.

7. Question 7: Does your country have a comprehensive national policy and/or a National Action Plan to combat THB?

Georgia elaborated its first National Action Plan to combat THB in 2005.

Since 2006 Georgia has well established comprehensive national policy in the field of fight against THB and once in 2 years there are 2 years-long National Action Plans on the Fight against THB adopted in Georgia, the current one being for 2009-2010. The new NAP for 2011-2012 is currently being drafted with the wide participation of NGOs and international organizations.

If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.

The 2009-2010 Georgian National Action Plan on the Fight against THB is expiring in December, 2010. The 2009-2010 Anti-THB National Action Plan was approved by the President of Georgia on 23 January, 2009. All the State agencies represented in the Coordination Council are responsible for implementation. The details are provided below. Below is a brief outline of the objectives and activities envisaged by the 2009-2010 Action Plan, which provides for the implementation of the following activities:

- a. Legislative measures (analysis of the Georgian legislation and drafting of the respective changes and amendments if the need arises);
- b. Continued implementation of mechanisms for the protection, assistance, and rehabilitation of trafficking victims, including continued coordination of the activities as envisaged by the National Referral Mechanism, continued elaboration of programs aimed at assistance to and reintegration of victims of THB, improvement of cooperation and mechanisms facilitating safe return of victims of THB to their countries of origin.
- c. Carrying out preventive measures, including information and education campaigns: Public Service Announcements, radio and TV programs, preparation and dissemination of printing materials in Civil Registry Agency Offices, Georgian Consulates, tourist and employment agencies, and at border check points and potential high THB risk zones; organization of public discussions in different higher education institutions around the country on THB related issues, continued special trainings for specifically selected target groups including judges, prosecutors, border officials, social workers, police, carrying out special education activities for minors, with a special emphasis on orphanages.
- d. Mutual legal assistance/cooperation with law enforcement agencies of other countries in the process of prosecution – especially Turkey, as well as general cooperation with other states, local NGOs and international organizations.

The 2011-2012 National Action Plan is currently being drafted.

The 2009 was the year of the full implementation of all the introduced prevention, protection and prosecution mechanisms to effectively tackle trafficking in human beings. Throughout 2006 and 2007 the Georgian A-THB legislation and practices had been elaborated and put into operation. 2008 and 2009 were the years of better coordination of actions by the Interagency Coordination Council and effective implementation.

In May 2010 the Government of Georgia with the coordination of the Coordination Council started work on the Anti-THB National Action Plan for 2011-2012. At the end of 2010 the Coordination Council shall approve the draft Anti-THB National Action Plan for 2011-2012. The participants of the process include: representatives of Office of the Prosecutor General of Georgia within Ministry of Justice of Georgia; Special Operations Department (SOD) of Ministry of Internal Affairs; Public Defender's Office; Ministry of Internal Affairs of Georgia; Ministry of Foreign Affairs of Georgia; Georgian Permanent Interagency Council on Fighting against Trafficking in human beings; State Fund on Assistance and Protection of (Statutory) Victims of Trafficking in human beings; International Labor Organization (ILO); International Organization for Migration (IOM); UN Children's Fund (UNICEF); Georgian Young Lawyers' Association (GYLA); NGO "Women for Future"; World Vision (WV); NGO Anti-Violence Network-Georgia (AVNG); NGO "Article 42".

8. Question 8: In your country are there persons or entities specialized in the fight against THB and the protection of victims?

Yes, there is specialized staff of the Prosecution Service, Police, including the Border Police, the State Fund for the Protection of and Assistance to the Victims of THB, Legal Aid Service of Georgia. There are specially trained judges to deal with the THB cases as well.

If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities?

The specialized staff of the Prosecution Service, Police, including the Border Police, the State Fund for the Protection of and Assistance to the Victims of THB, Legal Aid Service, judges do receive the general, as well as regular specialized trainings 2 to 3 times a year. There is a special training curriculum and training institutionalized for the Georgian armed forces contributing to international peace keeping operations.

The Permanent Interagency Coordination Council, which is comprised of Government of Georgia agency representatives and international organizations and national NGOs, is responsible for coordinating and monitoring nationwide anti-trafficking efforts, and is the lead anti-THB agency.

The Government of Georgia has institutionalised specific trainings on trafficking in human beings in the study curricula of all the law enforcement, which in the form of patrol police operating at the State Borders also includes immigration officials. The trainings are concentrated on the technics of identification of possible victims of trafficking in human beings, providing them with the information on the National Referral Mechanism, referring them to that mechanism, using the partnership of law enforcement with the State Fund, NGOs, social workers and psychologists especially during the initial interview with a possible victim of trafficking in human beings.

Police Academy of the Ministry of Internal Affairs (hereinafter – also "MIA") has included trafficking issues in the basic curriculum for the border guards, patrol police and precinct police. Students receive general information on trafficking in human beings, study Georgian laws and regulations on trafficking, receive instructions how to identify and treat victims of trafficking in human beings. Curriculum also includes practical training on trafficking related issues; they are trained to identify possible victims or offenders of the trafficking.

All police undergo a 6-week basic training at the MIA Academy. Trafficking is also covered in the criminal and administrative legislation sections and the human rights portion of the academy instruction.

Border Police undergo 4 weeks of basic training, which includes a 3 week-long legal course that includes trafficking issues. After this basic training, border police officers undergo a specialized one week border legislation and practical course, where THB is again covered.



Special Operations Department (SOD) officers are provided with specialized courses targeted to their specific responsibilities. These trainings are provided with MIA resources, as well as with the assistance of donor countries and IOs. IOM provided the primary trafficking training, as a specialized course, to the SOD in 2005 and 2006. All SOD officers working on trafficking crimes have undergone this training.

Throughout 2009 the Government of Georgia worked with the IOM, who through the funding provided by INL and in a very close cooperation with the Interagency Coordination Council and the State Fund addressed two key issues, namely identification of victims of trafficking. There shall be a training provided aimed at enhancing the capacity of the police working at state borders, mobile teams of the Interagency Coordination Council and consular officials in identifying victims of trafficking in a pro-active manner. Using IOM's already produced training module on "Victim Identification and Interview Techniques", the capacity of police working at state borders, Consular Officials and the State Fund Mobile Teams shall be enhanced further based on the partnership of the Interagency Coordination Council, the State Fund and IOM, through the funding provided by INL.

Training to enhance identification capacity shall be aimed at applying generic IOM material united in the training module "Victim Identification and Interview Techniques" and complementing this with Georgia-specific material produced by IOM in 2008, implementation of the following courses in 2010:

- a. One course lasting two days for all four members of the two mobile groups that are administered by the State Fund for the Protection and Assistance to Victims of Trafficking in human beings;
- b. Three courses lasting two days each for:

Patrol/Border Police training instructors at the Academy of the Ministry of Internal Affairs (10 participants);  
 For Patrol/Border Police officials stationed in Sarpi (15 participants)  
 for Patrol/Border Police officials stationed in Vale (15 participants)

- c. Four courses for consular officers of Georgia stationed in Turkey (Trabzon and Istanbul) and Greece (Saloniki and Athens) lasting two days each and addressing a total of 20 participants. IOM proposes to conduct these courses in the cities where the consular officers are stationed, rather than conducting a central course in Georgia, for the following reasons:

Based on IOM experience in training consular officials, it is very complicated to get all relevant officials who require training based on their duty stations together at the same time.

By training them at their duty station, it is possible to address not only the consular officers, but also the support staff that has face-to-face contacts with Georgian migrants.

Training at the duty station has another advantage in that, supported by IOM offices in Turkey and Greece, it gives the opportunity to improve relationships with relevant counter-trafficking stakeholders and intensify relationships of Georgian consuls with the local referral mechanism.

The program is defined by the close cooperation of the Interagency Coordination Council, the State Fund and IOM.

**Trafficking in human beings is included into a basic training curriculum for prosecutors as well.** There is also a special program for on-job training of the functioning prosecutors.

In 2009, the Government of Georgia held trainings for different target groups, with the specific focus on prosecutors and Police throughout Georgia, often in cooperation with local and international partners. The trainings concentrated on the comprehensive laws covering THB, mechanisms for proactive identification of human trafficking victims, techniques for conducting interviews with victims (paying particular attention to interviews with especially vulnerable groups like children), special methods for investigation, collection of evidence, and prosecution, and cooperation with NGOs. The trainings involved the clarification how important it is

to partner with NGOs, social workers and psychologists in interviewing the victims and providing to them assistance prescribed by the Law. The role of the State Fund is always underlined during the trainings and a representative of the State Fund does always attend such trainings to improve the synergies in the work.

In spring 2009 special trainings on THB were continued in the National Defense Academy of Georgia on the initiative of the Permanent Coordination Council and the State Fund. The trained soldiers were in the infantry as well as students studying the specialties of artillery and air forces were also involved in the trainings. The training covered Georgian THB legislation and the main provisions of those international THB agreements to which Georgia is a party. The participants were trained in general THB awareness, the various types of human exploitation, and hypothetical scenarios. Special attention was paid to the legislative ban of the use of services of a victim of THB and related criminal liability in Georgia. The soldiers were trained on how to report any suspected or observed THB activity. This was a continuation of the trainings initiated in 2008, with the support of IOM, through the funding provided by INL. The training was conducted jointly by the Georgian Permanent Interagency Coordination Council for Carrying out Measures against Trafficking in human beings, the Director of the State Fund. The trainees received information on different forms of THB exploitation and on profiling likely THB victims. Along with learning about Georgian anti-THB legislation and respective practices, the military received information on international THB enforcement.

In addition:

On 28 February, 2009, Police Academy of the MIA with the support of International Organization of Migration conducted training on fighting against trafficking in human beings. The training was conducted for the instructors of the Police Academy, patrol and precinct police. Training was interactive, oriented at training of instructors and sharing of experience between representatives of different police units.

On 6 April, 2009, the MIA in cooperation with the International Labor Organization organized round table discussion on fighting against trafficking in human beings, with participation of the representatives of the different services of the MIA (following branches were present: International Relations Division, Special Operational Department, Border Guard and Police Academy). Round table was moderated by the expert from the OSCE, who presented study on improvement of ways of fighting against trafficking in human beings in Georgia.

In March 2009 three representatives from MIA (from Patrol Police, Special Operational Department, and international relations department) participated in international seminar organized by BSEC and UNODC.

On 23-24 June 2009 three representatives of the border police attended international seminar "Fighting against trafficking and its prevention, Swedish experience" in Sweden. The seminar was aimed to develop forum to share the different experiences in anti trafficking and anti prostitution measures.

Employees of the Ministry of Education and Science (hereinafter – also "MES") had participated in the trainings.

MES in cooperation with the IOM is running the program called "Georgian School System in the service of the prevention of trafficking in human beings". The Program is aimed to include education on trafficking in human beings into the national educational plan for schools. Within the program course on trafficking in human beings was developed and piloted for the 9<sup>th</sup> graders, in addition the course on trafficking in human beings was developed for 10<sup>th</sup> and 11<sup>th</sup> graders. Two representatives of the MIA, as well as representatives of the State Fund, The Coordination Council and NGOs Georgian Young Lawyers' Association, Women for Future do participate in the program activities.

On 29 October, 2009, MES held second training – meeting for all participants in the program. Participants discussed plans for future in particular inclusion of the developed educational materials into study plan and the training of the teachers.

Meeting was held with the authors of the books on civic education for 9<sup>th</sup> and 10<sup>th</sup> graders and books of geography for 11<sup>th</sup> graders. Meeting was aimed to discuss how to include into these books materials on trafficking in human beings.

Special materials were developed and printed to use for the meetings in the orphanages, different risk groups of youngsters, other risk groups and organizations. One of this kind of a meeting was held in the Tbilisi Center for Social Adaptation, and with the young girl and women who are on probation (this meeting was held with support of the Ministry of Corrections and Legal Assistance).

Special training for the members of permanent and mobile working groups to work with minors was prepared in 2009, to be carried out in 2010. The State Fund and the Interagency Coordination Council are developing training materials and the trainings for members of permanent and mobile group will be conducted in 2010.

Special trainings on fighting trafficking in human beings taking into consideration: specificity of trafficking in minors, labor trafficking, sexual trafficking and novelties of criminal prosecution of trafficking in human beings were planned by the GOG for 2009. Trainings target the following target groups:

- a. employs of Ministry of Internal Affairs;
- b. employs of Ministry of Justice;
- c. Judges

Responsibility of the implementation is on the MIA, MoJ and High Council of Justice. The trainings were to a certain degree hampered by the demonstrations and general unrest during the entire 2009, related to the general political situation in the country, which did directly influence the working environment of the respective target groups.

Apart from the basic and regularized training, in 2009 the Chief Prosecutor's Office organized following seminars on trafficking in human beings:

On 7-8 April, 2009 Office of the Chief Prosecutor of Georgia and ILO conducted joint training on trafficking in human beings for the representatives of the law enforcement agencies. Training provided information on global and national tendencies of trafficking in human beings, issues of labor migration and trafficking in human beings; investigation tactics and etc.

On 19-20 March, 2009 in Office of the Chief Prosecutor and Council of Europe Informational Beuro organized training on "investigation of trafficking in human beings and initiation of criminal case". Seminar was attended by 60 prosecutors and investigators and was oriented criminal pursuit of the trafficking.

On 17-18 July, 2009 the Interagency Coordination Council and the State Fund jointly held the two days trainings on the interviewing skills for the Prosecutors. The trainings also included the information on the way of functioning of the National Referral Mechanism and the respective contact information.

The two days training was repeated on 19-20 September and 17-18 October, 2009. The trainings targeted 90 prosecutors.

In April 2009 two representatives from the Chief Prosecutor's Office participated in conference organized by IOM for employs of the law enforcement agencies in conference on fighting against trafficking.

Two representatives of Ministry of Justice participated in seminar on prevention and fighting against trafficking organized by Institute of Sweden.

On 16-17 October, 2009 representative of the Chief Prosecutor's Office participated in the second seminar on "Legal assistance in Trafficking Case", organized by IOM and Ministry of Justice of Republic of Turkey.

On 15-16 October, 2009 in Ankara, Turkey representatives of Ministry of Justice participated in conference on "Fighting trafficking in Black Sea Region through Legal Cooperation" organized by attorney association with cooperation of IOM.

On 16-20 November, 2009 two representatives of Ministry of Justice participated in seminar "Forced labor and human trafficking: International Instruments and Practical Issues" organized by International Training Center of ILO.

At the end of October, 2009 a representative of the Interagency Coordination Council participated in the black sea regional meeting held in Ankara, Turkey, on the regional partnership and the data sharing on trafficking in human beings.

The government stepped up its efforts to identify trafficking victims by requiring all new police to complete basic THB training. Specialized, advanced anti-THB training is mandatory for all Border Police and Special Operations Department (SOD) members.

The Ministry of Defense now includes basic THB awareness training for all future international peacekeeping contributions. This started as follows: when such a need arose in 2007, the Government of Georgia moved swiftly to prevent any such incidents in December 2007. Working under a very tight deadline, then the Prosecutor General's Office worked with IOM to adapt Georgia's standardized police training into a new, short course for Georgia's armed forces. In a matter of weeks in November and December 2007, IOM and the Office of the Prosecutor General's Office provided training for Georgian soldiers immediately prior to their deployment to Iraq to join the Multi-National Forces. The trainings continued within the first half of 2008 for the remaining Georgian troops. The trainings conducted in cooperation with IOM and supported by INL were completed in the second half of 2008. The training materials were developed with the financial assistance of the INL Office. The THB training was incorporated into the Georgians' pre-deployment training schedule. The Government of Georgia undertook this training initiative in short order to continue Georgia's drive to meet NATO standards, to maintain Georgia's ability to contribute to international peacekeeping forces, and to meet the updated requirements.

In 2009 the Ministry of Defense provided the training as a part of its basic training. Consequently any soldier potentially participating in any similar mission, were trained in THB awareness, their criminal culpability for any participation in THB (including any use of a THB victim's services), and how to report any THB activity. Each soldier was given a pocket-sized information card detailing how, and to whom, to report any THB activity.

There were no reports of any deployed Georgian service members participating in THB.

Throughout 2008, trainings were conducted by the Prosecutor General's office for target groups including: Ministry of Defense trainers and soldiers, judges and prosecutors, Patrol and Border Police, officials from the MOIA and the Ministry of Labor, Health and Social Protection, MFA and consular officers, representatives of the Office of the Public Defender, journalists, college and university students. The Coordination Council and the State Fund also trained hot-line operators from different ministries on how to respond and relay calls dealing with THB. Hotlines are advertised on posters at ports of entry and on television and radio. By the end of 2008 the unified A-THB hotline was fully taken over by the State Fund. The hot-line is co-managed by the State Fund and civil society.

No less than 25 separate professional training workshops were held for different professional target groups throughout the country in 2008, not including ongoing training for police cadets and the military units scheduled to serve in Iraq.

Please specify the financial resources (in Euros) allocated to this training

The trainings are budgeted and undertaken with different budgetary allocations, including the budgets of the respective Georgian state agencies, as well as donors such as USAID, US INL, IOM, ILO, UNICEF, UNIFEM, Council of Europe, etc. The approximate budget allocated for such trainings is approximately EUR 200,000 each year.

9. *Question 9:* Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)?

Yes. The Georgian Permanent Interagency Coordination Council for Carrying out Measures against Trafficking in human beings (hereinafter - also "the Coordination Council", as indicated above) also coordinates all national actors and actions against THB, as well as coordinates the collection of information from any other sources such as international organizations and local non-governmental organizations working on trafficking in human beings issues.

The Law on Fighting against Trafficking in human beings envisaged establishment of national co-ordination mechanism and the Permanent Interagency Coordination Council for Carrying out Measures Against Trafficking in human beings was established by Presidential Decree N534, on September 1, 2006<sup>1</sup>. The Coordination Council approved the acts envisaged by the Law facilitating effective enforcement of the anti-trafficking measures in Georgia<sup>2</sup> within 2006-2007.

The Coordination Council serves as an overall coordinator of anti-trafficking measures undertaken by state agencies; the Council is an advisory organ preparing certain recommendations for the President of Georgia on the issue of trafficking and a body monitoring the anti-trafficking situation in Georgia. National NGOs and international organizations are actively involved in the work of the Council.

The following agencies are represented in the Coordination Council, as full members: 1. Ministry of Justice, including Prosecution Service; 2. Ministry of Labour, Health, and Social Protection; 3. Ministry of Internal Affairs; 4. Ministry of Education and Science; 5. Ministry of Foreign Affairs.

The Coordination Council has also invited members from international organizations (USAID, UNICEF, IOM, OSCE, Council of Europe), NGOs (GYLA and "TANADGOMA"), NGO "Women for Future", US Embassy in Georgia, Deputy Chairwoman of the Parliament of Georgia and Public Defender's Office of Georgia.

In 2006-2008, the Council approved the Rehabilitation and Reintegration Strategy and coordinated the opening of the two victim shelters in Batumi and Tbilisi, encouraged passage of the amendment outlawing the use of a trafficking victim's services, continued implementation of the National Referral Mechanism.

At the end of 2008 the Coordination Council approved the draft Anti-THB National Action Plan for 2009-2010, drafting of which had been coordinated by the Coordination Council since May 2008. The participants of the process included: representatives of Office of the Prosecutor General of Georgia; Public Defender's Office; Ministry of Internal Affairs of Georgia; Ministry of Justice of Georgia; Ministry of Foreign Affairs of Georgia; Georgian Permanent Interagency Anti-Human Trafficking Coordination Council; State Fund on Assistance and Protection of (Statutory) Victims of Trafficking in human beings; International Labour Organization (ILO); Organization for Security and Cooperation in Europe (OSCE); International Organization for Migration (IOM); UN

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<sup>1</sup> The first Session of the Inter-Agency Coordinating Council took place in November 2006;

<sup>2</sup> Standards of Shelter for Victims of Trafficking in human beings; National Referral Mechanism; Rules of Issuing Compensation to the Victims of Trafficking in human beings; Victim Rehabilitation Strategy, etc.

Children's Fund (UNICEF); Georgian Young Lawyers' Association (GYLA); NGO "Women for Future"; World Vision (WV); NGO Anti-Violence Network-Georgia (AVNG); NGO "Article 42".

The work on the 2011-2012 NAP is currently undergoing.

The 2009 was the year of the full implementation of all the introduced prevention, protection and prosecution mechanisms and of better coordination of actions by the Interagency Coordination Council.

The Permanent Interagency Anti-Human Trafficking Coordination Council continues to lead the Government of Georgia's efforts to combat THB.

If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences.

The Coordination Council was set up by the Decree N534 of the President of Georgia, on September 1, 2006. It is an advisory body to the President of Georgia.

The annual budget is not set up separately, as the State agencies represented in the Coordination Council do contribute both human and other resources from their own budgets. The approach has proved to be sustainable, as the Coordination Council was set up in 2006 and it functions perfectly despite any of the financial or other crisis having appeared in Georgia meanwhile.

The Coordination Council in its actions is led by the Constitution of Georgia, international agreements of Georgia, legal acts and sub-laws of Georgia and the present Regulation.

The personal composition of the Coordination Council is established by the Government of Georgia and approved by a decree of the President of Georgia.

According to the Regulation of the Coordination Council, together with the representatives of the state agencies representatives of the relevant non-governmental legal entities, international organizations and sources of mass information, as well as specialists and scientists of this field may also be in the composition of the Coordination Council. In the activities of the Coordination Council, with the invitation of the chairman of the Coordination Council, members of the Parliament and Government, chiefs of the state agencies, representatives of nongovernmental sector and international organizations may participate. Recalling of the member of the Coordination Council may be exercised based on the initiative of the President of Georgia or the organization having nominated the member.

The members of the Coordination Council are: the Minister of Justice (also prosecutor general since end 2008), first Deputy Minister of Labour, Health and Social Affairs, first Deputy Minister of Internal Affairs, deputy Minister of Education and Science, deputy Minister of Foreign Affairs, an independent member. The invited members of the Council are: The Coordination Council has also invited members from international organizations (USAID, UNICEF, IOM, OSCE, Council of Europe and the European Commission), NGOs (GYLA and "TANADGOMA"), NGO "Women for Future", US Embassy in Georgia, deputy chairwoman of the Parliament of Georgia and Public Defender's Office (Ombudsman) of Georgia.

The main goals of the Coordination Council are as follows:

- a) Supporting and Coordination of activities of the respective state bodies in the field of prevention of trafficking in human beings, fighting against it and protection, support and rehabilitation of (statutory) victims of trafficking in human beings for the purpose of efficient implementation of their functions.
- b) Elaboration and submission for consideration to the President of Georgia of the suggestions for the efficient fight against trafficking in human beings and eradication of the reasons contributing to this crime;

c) Close cooperation with the Georgian state agencies, non governmental sector, international and local organizations working on trafficking in human beings in the process of discussion of the issues related to trafficking in human beings, as well as elaboration of joint suggestions for the submission to the President of Georgia;

d) The monitoring of the situation in the field of fight against trafficking in human beings.

The chair of the Coordination Council, who, within the composition of the Coordination Council, is appointed by the President of Georgia, leads the work of the Coordination Council and conducts the meetings of the Coordination Council. In the absence of the chair of the Coordination Council, with the delegation of power by the chair, his/her functions shall be performed by one of the members of the Coordination Council. The meetings of the Coordination Council, as a rule, shall be conducted once in three months. The chair of the Coordination Council may based on the need call for the meeting of the Coordination Council pre-term. The secretary of the meeting of the Coordination Council shall provide for the preparation of the meeting of the Coordination Council. The agenda of the Coordination Council meeting shall be approved by the chair of the Coordination Council. The chair and the members of the Coordination Council are entitled to initiate an issue for discussion at the meeting of the Coordination Council. The meeting of the Coordination Council is authorized to work, if more than half of the members of the Coordination Council attend its meeting. Decisions of the Coordination Council are made with the simple majority of the members present at the meeting. In the case of equal division of votes, the vote of the chair of the Coordination Council is decisive. The meeting of the Coordination Council shall be formalized with the minutes that shall be signed by the chair and the secretary of the Coordination Council. The Governmental agencies and NGOs, as well as international organizations participating in the Coordination Council have equal rights and opportunities to participate in the work of the Coordination Council, in the debates and make influence on decision-making.

If there is currently no such co-ordinating body, are there any plans to set oe up in the near future? If so, please give details.

Not applicable.

10. Question 10: Is this co-ordinating body also responsible for the co-ordination of the collection of administrative or population survey data on THB?

Yes. The Permanent Interagency Coordination Council, which is comprised of GOG agency representatives and international and domestic NGOs, is responsible for coordinating and monitoring nationwide anti-trafficking efforts, and is the lead anti-THB agency.

If not, please specify which body/entity has this responsibility.

Not applicable.

11. Question 11: Do NGOs have full membership status in your national co-ordinating body?

NGOs, similar to the Deputy Chairwoman of the Parliament of Georgia and the Public Defender (Ombudsman) of Georgia, have a status of invited members, which is explained by the mere fact that the decree of the President of Georgia obliges the full members of the Council to act. Whereas the invited

members have exactly the same capacity of participation in the meetings of the Coordination Council and its decision making process, without being obliged to act in any way, except for their own planned activities.

If so, how many?

There are 3 NGOs: Georgian Young Lawyers' Association, NGO "TANADGOMA" and NGO "Women for Future",

Please describe the criteria for NGO membership.

Any NGO working in Georgia in the field of fight against THB and/or protection of victims may be a member of the Coordination Council.

12. Question 12: Are there any other national or international entities or bodies participating in your national co-ordinating body?

Yes.

If so, please specify

The Coordination Council has also invited members from international organizations (UNICEF, IOM, OSCE, Council of Europe and the European Commission), USAID, US Embassy in Georgia, deputy chairwoman of the Parliament of Georgia and Public Defender's Office (Ombudsman) of Georgia.

13. Question 13: Please describe the legal basis for international co-operation between your country and other countries in the fight against THB:

**- national legislation:**

The Criminal Procedure Code of Georgia envisages special norms of the regulation of the international judicial cooperation in criminal matters; there shall be a separate law on the mutual legal assistance entering into force in October 2010, regulating the issues of international cooperation.

The following laws are used to investigate, prosecute, convict, and sentence traffickers in 2007:

- a) Criminal Code of Georgia (includes Articles 143<sup>1</sup>, 143<sup>2</sup>, and 143<sup>3</sup>);
- b) Criminal Procedure Code of Georgia;
- c) Law of Georgia on Fighting against Trafficking in human beings;
- d) Law of Georgia on Operative-Investigative Activities

The Law on the fight against THB does provide additional ground:

## **Chapter V**

### **Georgia's International Cooperation in Combating Trafficking in human beings**

#### **Article 22. Cooperation of the Georgian State Agencies with Appropriate State Agencies of Foreign Countries in Combating Trafficking in human beings**

Cooperation of the Georgian state agencies with the appropriate state agencies of foreign countries in preventing and combating trafficking in human beings as well as in protection, assistance and rehabilitation of (statutory) victims of trafficking in human beings shall be determined pursuant to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in human beings,



Especially Women and Children, the Council of Europe Convention on Action against THB, Georgia's international treaties on mutual legal assistance concluded with respective states and Georgia's other international treaties and agreements.

### **Article 23. Cooperation with International Governmental and Non-Governmental Organization in Implementing Joint Programs**

International governmental and non-governmental organizations, according to procedure prescribed by the Georgian legislation, participate in elaboration and implementation of measures and joint programs aimed at preventing and combating trafficking in human beings and protection, assistance and rehabilitation of (statutory) victims of trafficking in human beings.

#### **International instruments/agreements:**

Georgia is a party to the United Nations Convention against Transnational Organized Crime, its Protocol against Trafficking in human beings, Especially Women and Children and the Council of Europe Convention on Action against THB.

Georgia is also a party to the 1993 Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, as well as the European Convention on Mutual Assistance in Criminal Matters.

The Government of Georgia uses both agreements to request and submit information on THB investigations within the CIS and Council of Europe.

Furthermore,

#### **Bilateral Agreements**

##### **Armenia**

- Treaty between Georgia and the Republic of Armenia on legal assistance in criminal matters.

##### **Azerbaijan**

- Treaty between Georgia and the Republic of Azerbaijan on legal assistance and legal relations in civil, family and criminal matters.

##### **Bulgaria**

- Treaty between the Republic of Georgia and the Republic of Bulgaria on mutual legal assistance in criminal matters.
- Agreement between the Government of Georgia and the Government of the Republic of Bulgaria on exchange and mutual protection of Classified Information - *all internal legal procedures necessary for its entry into force are fulfilled; not in force.*

##### **Czech Republic**

- Agreement between Georgia and the Czech Republic on the exchange and mutual protection of classified information.

#### **Egypt**

- Agreement between the Executive Authority of Georgia and the Government of the Arab Republic of Egypt on cooperation in the fight against crime.

#### **Estonia**

- Agreement between Georgia and the Republic of Estonia on exchange and protection of classified information.

#### **France**

- Agreement between the Government of Georgia and the Government of the French Republic on cooperation in internal security matters - *signed; internal legal procedures are fulfilled from Georgian side.*

#### **Greece**

- Agreement between Georgia and the Hellenic Republic on legal assistance in civil and criminal matters.

#### **Italy**

- Agreement between the Government of Georgia and the Government of the Republic of Italy on cooperation in the fight against crime.

#### **Kazakhstan**

- Treaty between Georgia and the Republic of Kazakhstan on mutual legal assistance in civil and criminal matters.
- Agreement between the Government of Georgia and the Government of the Republic of Kazakhstan on cooperation in the fight against terrorism, organized crime and related matters, illicit traffic of drugs, psychotropic substances and precursors - *all internal legal procedures necessary for its entry into force are fulfilled by Georgian side; not in force.*

#### **Latvia**

- Agreement between the Government of Georgia and the Government of the Republic of Latvia on joint fight against terrorism, illicit drug traffic and organized crime.
- Agreement between the Government of Georgia and the Government of the Republic of Latvia on mutual protection of classified information.

#### **Lithuania**

- Agreement between the Government of Georgia and the Government of the Republic of Lithuania on Exchange and Mutual Protection of Classified Information.

#### **Poland**

- Agreement between the Government of Georgia and the Government of the Republic of Poland on the co-operation in the fight against organized crime and other types of crime - *all internal legal procedures necessary for its entry into force are fulfilled by Georgian side; not in force.*

#### **Romania**

- Agreement between the Government of Georgia and the Government of Romania on cooperation in the fight against terrorism, organized crime, illicit traffic of drugs, psychotropic substances, precursors and other serious crimes.

#### **The Russian Federation**

- Treaty between the Republic of Georgia and the Russian Federation on legal assistance and legal relations in civil, family and criminal matters - *signed; not in force*.

#### **Turkey**

- Protocol between Georgia and the Republic of Turkey on the implementation of Article 9 (trafficking in human beings) to the "Agreement between the Republic of Azerbaijan, Georgia and the Republic of Turkey on cooperation in the fight against terrorism, organized crime and other serious crimes".
- Agreement between the Government of the Republic of Georgia and the Government of the Republic of Turkey on cooperation in the field of security.
- Treaty between Georgia and the Republic of Turkey on mutual legal assistance in civil, trade and criminal matters.
- Protocol on the procedure to be followed in the case of deportation of passengers, luggage, cargo and mail specified by "The Agreement Between the Government of Georgia and the Government of the Republic of Turkey on the Joint Usage of the Batumi International Airport" by the competent authorities of the both contracting parties or of the third Countries.

#### **Turkmenistan**

- Treaty between Georgia and Turkmenistan on mutual legal assistance in civil and criminal matters.

#### **Ukraine**

- Treaty between Georgia and Ukraine on legal assistance and legal relations in civil and criminal matters.
- Agreement between the Government of Georgia and the Cabinet of Ministers of Ukraine on mutual protection of classified information.

#### **The United Kingdom of Great Britain and Northern Ireland**

- Memorandum of Understanding between the Ministry of State Security, the Prosecutor's Office, the Ministry of Internal Affairs and the Ministry of Tax Revenue of Georgia and the Association of Chief Police Officers, the Crown Prosecution Service of England and Wales, the Serious Fraud Office, Her Majesty's Customs and Excise, the National Crime Squad and the National Criminal Intelligence Service of the United Kingdom of Great Britain and Northern Ireland on cooperation in the fight against serious crime, organized crime, illicit drug traffic and in like matters of mutual interest.

#### **Uzbekistan**

- Agreement between the Government of Georgia and the Government of the Republic of Uzbekistan on cooperation in the fight against crime.
- Treaty between Georgia and the Republic of Uzbekistan on legal assistance and legal relations in civil and criminal matters.

#### **Bilateral Agreements on Cooperation between the Ministries of Interior**

#### **Armenia**

- Agreement between the Ministry of Internal Affairs of Georgia and the Ministry of Interior of the Republic of Armenia in the sphere of combating crime.

#### **Austria**

- Memorandum of Understanding between the Ministry of Internal Affairs of Georgia and the Ministry of Interior of the Republic of Austria.
- Agreement on police cooperation between the Ministry of Internal Affairs of Georgia and the Federal Minister of Interior of the Republic of Austria - signed, not in force.

#### **Azerbaijan**

- Agreement on cooperation between the Ministry of Internal Affairs of Georgia and the Ministry of Interior of the Republic of Azerbaijan.

#### **The Russian Federation**

- Agreement on cooperation between the Ministry of Internal Affairs of the Republic of Georgia and the Ministry of Interior of the Russian Federation.

#### **Ukraine**

- Agreement between the Ministry of Internal Affairs of the Republic of Georgia and the Ministry of Interior of Ukraine on cooperation in the fight against crime.

#### **Uzbekistan**

- Agreement on cooperation between the Ministry of Internal Affairs of Georgia and the Ministry of Interior of the Republic of Uzbekistan.

#### **Multilateral Agreements**

- Agreement between the Republic of Azerbaijan, Georgia and the Republic of Turkey on cooperation in the fight against terrorism, organized crime and other serious crimes.

#### **Black Sea Economic Cooperation (BSEC)**

- Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on October 2, 1998 - *in force for Georgia since July 27, 2000.*
- Additional Protocol (establishing a network of liaison officers) to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on March 15, 2002 - *in force for Georgia since May 30, 2004.*
- Additional Protocol on combating terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on December 3, 2004 - *in force for Georgia since October 16, 2005.*

### **GUAM - Organization for Democracy and Economic Development**

- Agreement on cooperation among the Governments of GUUAM Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes, signed on July 20, 2002.
- Protocol to the Agreement on cooperation among the Governments of GUUAM Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes of the 20 July 2002, signed on December 4, 2008.

### **Conventions**

#### ***United Nations***

#### ***Organized Crimes***

- **United Nations Convention against Transnational Organized Crime**, adopted by the General Assembly on 15 November 2000 (Palermo Convention) - *in force for Georgia since September 5, 2006*;
- **Protocol to Prevent, Suppress and Punish Trafficking in human beings, Especially Woman and Children**, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly on 15 November 2000 (Palermo Protocol) - *in force for Georgia since September 5, 2006*;
- **Protocol against the Smuggling of Migrants by Land, Air and Sea**, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly on 15 November 2000 (Palermo Protocol) - *in force for Georgia since September 5, 2006*;

#### ***Human Rights***

### ***Council of Europe***

#### ***Organized Crimes***

- **Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime**, concluded at Strasbourg on 8 November 1990 - *in force for Georgia since September 1, 2004*;
- **Council of Europe Convention on Action against Trafficking in Human Beings**, concluded at Warsaw on 16 May 2005 - *in force for Georgia since February 1, 2008*;
- **Convention on Cybercrime**, concluded at Budapest on 23 November 2001 - *signed, ratification procedures are ongoing*;
- **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**, concluded at Lanzarote (Spain) on 25 October 2007 - *signed, ratification procedures are ongoing*.

#### ***Mutual Legal Assistance in Criminal Matters***

- **European Convention on Mutual Assistance in Criminal Matters**, concluded at Strasbourg on 20 April 1959 - *in force for Georgia since January 11, 2000*;
- **Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters**, concluded at Strasbourg on 17 March 1978 - *in force for Georgia since August 20, 2003*.

#### ***Human Rights***

- **Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)**, concluded at Rome on 4 November 1950 - *in force for Georgia since May 20, 1999*;

#### **Other Issues**

- **Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data**, concluded at Strasbourg on 28 January 1981 - *in force for Georgia since April 1, 2006*;

14. Question 14: What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international cooperation on action against THB, as provided for in Article 34 of the Convention?

As indicated above, Georgia is a party to the 1993 Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, as well as the European Convention on Mutual Assistance in Criminal Matters. The Government of Georgia uses both agreements to request and submit information on THB investigations within the CIS and Council of Europe.

At the same time there are channels of Police cooperation established, including but not limited to the cooperation via National Central Bureau of Interpol.

The work is very effectively undertaken via Police Attaches as well.

15. Question 15: Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention?

Yes, via Police Attaches, Interpol, direct police contacts, which are also specifically reinforced during different international meetings and discussion fora, such as conferences, trainings, joint workshops, etc.

If so, please indicate how such information is transmitted and which authorities are involved.

Information is transmitted via Police; therefore different services of Ministry of Internal Affairs, including the National Central Bureau of Interpol are involved. The role of Police Attaches is also very important.

16. Question 16: Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis with the police forces from other parties to fight THB?

There is a legal basis and possibility to carry out such joint actions in case of need. However, the crime of THB is fortunately does not have a typical character of an organized crime in Georgia, as there are separate individuals committing the crime. The practice of attending the search and seizure, questioning a witness or having law enforcement officials of another country attend procedural actions in Georgia is there, in case of such need and this is in general practiced.

If not, please describe any plans for joint action or obstacle to joint action.

There are no general obstacles, taking into account the legislation and practices of the law enforcement in Georgia. In case of such need joint action may be carried out

17. *Question 17:* Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law?

Yes.

Please describe how they have been integrated in your internal law.

Definition of THB was inserted into the Criminal Code of Georgia in 2003. There were substantial amendments to the Code in 2006-2007 to approximate the definition as provided in the Georgian legislation with the definition provided by the Council of Europe Convention. There are three different articles in the Criminal Code of Georgia on THB. The Criminal Code provisions have been several times amended since. The Code provides for three different articles related to the THB: Art. 143<sup>1</sup> refers to trafficking in adults, in general, whereas Art. 143<sup>2</sup> specifically criminalizes trafficking in minors. In addition, Art. 143<sup>3</sup> criminalizes the use of services of trafficking victims.

Article 143<sup>1</sup> of the Criminal Code of Georgia is the country's seminal, comprehensive anti-trafficking provision.

The amendments of April 28 and July 25, 2006, to the Criminal Code of Georgia increased the sanctions for the crime of THB and introduced the criminal liability of legal persons for trafficking in human beings (Article 107<sup>2</sup>).

--Article 143<sup>1</sup> Criminal Code of Georgia (as amended in 2006)

1. Buying or selling of a person or subjecting him/her to other illegal deals, as well as enticing, conveying, hiding, recruiting, transporting, handing over, harboring 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, is punishable by deprivation of liberty from 7 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 1 year.

2. The same act committed:

- a) knowingly against a pregnant woman;
- b) knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender;
- c) through the abuse of power,

is punishable by deprivation of liberty from 9 to 14 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.

3. The same act committed:

- a) repeatedly;
- b) against two or more persons;
- c) by taking the victim abroad;
- d) by using violence threatening life or health of a person or by threat of such violence,

is punishable by deprivation of liberty from 12 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

4. The acts provided for in paragraphs 1, 2 or 3 of the present article:

- a) committed by an organized group;
- b) resulting in the death of a victim or other grave consequences,

are punishable by deprivation of liberty from 15 to 20 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

Note: For the purpose of this Article and Articles 143.2 and 143.3 of this Code, exploitation shall mean the use of a person for forced labor or service, his/her engagement in the criminal or other anti-social conduct or prostitution, placement of a person under conditions similar to slavery or modern conditions of slavery, sexual exploitation or forcing provision of other services, as well as the use of a person for transplanting an organ, part of an organ, or tissue of a human body or otherwise utilizing him/her. The placement under modern conditions of slavery shall mean the deprivation of personal identification documents, restriction of the right to free movement, prohibition of contact with a family, including correspondence and telephone communication, cultural isolation, forced labor under the conditions degrading human honor and dignity and/or without any or adequate remuneration. The consent of a person on his intentional exploitation shall not be taken into consideration.

--Article 143<sup>2</sup> of the Criminal Code of Georgia Criminalizing Trafficking in Minors (as amended in 2006)

1. 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, harboring or receiving a minor for the purpose of exploitation,

is punishable by the deprivation of liberty from 8 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 1 year.

2. The same act committed:

- a) through the abuse of power;
- b) knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender,

is punishable by the deprivation of liberty from 11 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.

3. The same act committed:

- a) repeatedly;
- b) through coercion, blackmail or deception;
- c) against two or more minors;
- d) by taking the victim abroad;
- e) by using violence threatening life or health of a person or by threat of such violence,



is punishable by the deprivation of liberty from 14 to 17 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

The acts provided for in paragraphs 1, 2 or 3 of the present article:

- a) committed by an organized group;
- b) causing the death of a minor victim or other grave consequences,

are punishable by the deprivation of liberty for a term from 17 to 20 years, with deprivation of the right to occupy certain position or practice a profession for 3 years or life imprisonment.

On May 8, 2007, the Parliament of Georgia introduced the final amendment to the Criminal Code of Georgia, criminalizing the use of services of a (statutory) victim of trafficking in human beings. The Law envisages deprivation of liberty from 4 to 15 years, as a sanction for committing this crime. The amendment – Article 143<sup>3</sup> of the Code entered into force on June 15, 2007.

--Article 143<sup>3</sup> Use of Services of a (Statutory) Victim of Trafficking in human beings (8.05.2007 N4706)

1. Knowingly using such a service of a (statutory) victim of the crime envisaged by Articles 143.1 and 143.2 of the [Criminal Code of Georgia], which is considered as exploitation within the meaning of Article 143.1 -

shall be punishable by the restriction of liberty for up to 4 years or by the deprivation of liberty from 3 to 5 years.

2. The same act committed:

- a. repeatedly,
- b. knowingly against a pregnant woman;
- c. knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender;
- d. through the abuse of power -

is punishable by deprivation of liberty from 5 to 7 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.

3. The same act committed:

- a. against two or more persons;
- b. by using violence threatening life or health of a person or by threat of such violence -

is punishable by deprivation of liberty from 7 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

4. The acts provided for in paragraphs 1, 2 or 3 of the present article committed by an organized group -

is punishable by deprivation of liberty from 12 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

Translation of the Georgian ATHB Law operating alongside the Georgian Criminal Code provisions is provided below:

## Law of Georgia on Combating Trafficking in human beings

### Chapter I General Provisions

#### Article 1. Scope of Regulation of the Law

This Law determines the legal and organizational basis for preventing and combating trafficking in human beings, the competencies and obligations of the state agencies, public officials, and legal entities and rules of co-ordination of their activities in the measures applied against trafficking in human beings, as well as the legal status of the victims of trafficking in human beings and the guarantees of their social and legal protection.

#### Article 2. Purpose of the Law

Purpose of this Law is:

- a) To ensure facilitation of prevention and combating trafficking in human beings by means of protection of the rights of victims of trafficking in human beings;
- b) To ensure protection, assistance and rehabilitation of victims of trafficking in human beings;
- c) To determine specificities of prosecuting the crime of trafficking in human beings;
- d) To set the principles of co-operation among state agencies, international organizations and legal entities in preventing and combating trafficking as well as in the protection, assistance and rehabilitation of victims of trafficking in human beings.

#### Article 3. Definition of the Terms

The terms used in this Law shall have the following meaning:

- a) Trafficking in human beings – crime defined by Articles 143<sup>1</sup> and 143<sup>2</sup> of the Criminal Code of Georgia; Consent of the victim of trafficking in human beings to his/her deliberate exploitation shall have no importance;
- b) Blackmail – coercion of a person to perform or not to perform certain activity by means of threatening that person to disclose information that is infamous or otherwise damaging to him/her or his/her close people;
- c) Vulnerable situation – a situation where a person is materially or otherwise dependent on other person, where because of physical or mental disability a person is unable to realistically comprehend the existing situation, where a person has no other realistic option but to obey the violence applied against him/her;
- d) Exploitation – use of a person for forced labor or service, involvement of a person in criminal or other anti-societal behavior or prostitution, putting a person in slavery-like conditions or conditions of modern slavery, sexual exploitation or coercion to provide other type of services, as well as use of a person for transplantation of his/her organ, part of organ or tissue, or use of a person for other purposes;
- e) Forced labor – any work or service received by means of physical or mental coercion of a person by use of threat or blackmail against him/her or by use of his/her vulnerable situation;
- f) Sexual exploitation – 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;
- g) Slavery-like conditions – the status or condition of a person as defined in the United Nations Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery dated 7 September 1956;
- h) Putting a person in modern conditions of slavery – deprivation of a person of his/her identity documents, restriction to the person of his/her right to free movement, prohibition to the person of communication with his family, including written correspondence and telephone communication, cultural isolation of a person, coercion of a person to work in degrading conditions and/or without any compensation or with inadequate compensation;
- i) Trafficker – natural person or legal entity or a group of persons who has committed a crime under Articles 143<sup>1</sup> and/or 143<sup>2</sup> of the Criminal Code of Georgia;
- j) Victim of Trafficking in human beings – a natural person who suffered moral, physical or material damage as a result of the commission of the crime of trafficking in persons and who has been, in accordance with the Georgian legislation, recognized as victim of trafficking in human beings by the Permanent Group at the Interagency Coordination Council for Carrying out Measures Against Trafficking in human beings;
- k) Country of Origin – a State of citizenship or permanent residence of a victim of trafficking in human beings;

- l) Country of Destination – a state on the territory of which the victim of trafficking in human beings is exploited;
- m) Country of Transit – a state the territory of which is used for transportation of the victims of trafficking in human beings;
- n) Service Institution for the Victims of Trafficking in human beings (Shelter) – a legal entity established pursuant to the Georgian legislation, which is aimed at providing victims of trafficking in human beings with shelter as well as legal, psychological, medical and/or other services, with a view of protection of their lawful rights and interests, rehabilitation and full re-integration into family and society.
- o) Statutory Victim – a person, recognized as such in pursuance of the Criminal Procedure Code of Georgia, as a result of commission of crimes envisaged by the Articles 143<sup>1</sup> and/or 143<sup>2</sup> of the Criminal Code of Georgia.

#### **Article 4. Georgian State Policy in Combating Trafficking in human beings**

1. State policy in preventing and combating trafficking in human beings, and in protection, assistance and rehabilitation of the (statutory) victims of trafficking in human beings shall be determined in accordance with the obligations under the Constitution and international treaties of Georgia relative to combating the transnational organized crime and corruption and the protection of human rights.
2. The state shall promote prevention of trafficking in human beings, protection of human rights of (statutory) victims of trafficking in human beings, their assistance and rehabilitation and shall implement measures to combat trafficking in human beings.
3. State agencies responsible for preventing and combating trafficking in human beings, and protection, assistance and rehabilitation of victims of trafficking in human beings, shall be guided by the Constitution of Georgia, international treaties of Georgia, this Law and other relevant normative acts.

## **Chapter II**

### **Mechanisms for Prevention of Trafficking in human beings and Competence of State Agencies in Prevention of**

#### **Trafficking in human beings**

#### **Article 5. Mechanisms for Prevention of Trafficking in human beings**

1. Mechanisms for the prevention of trafficking in human beings shall imply organizational, legal, research, educational, informational and socio-economic measures that are directed at reduction, prevention and elimination of trafficking in human beings.
2. Preventive measures of the state shall imply:
  - a) Elaboration and implementation of short- and long-term programs aimed at reducing poverty, underdevelopment, unemployment and unequal access to opportunities in the country, and at eliminating all forms of discrimination.
  - b) Analyzing and assessing causes of trafficking in human beings;
  - c) Research and collection of data on the forms and scale of trafficking in human beings in order to develop effective prevention measures;
  - d) Comprehensive legal regulation of migration, implementation of measures facilitating legal labor migration;
  - e) Reduction of the risk of illegal labor migration and trafficking in human beings by means of: implementing informational and educational measures, including establishing “hotlines” in relevant state agencies; developing educational programs for wide layers of population; supplying the Georgian passport and visa issuing bodies, border check-points and consulates with information materials on legal labor and prevention of trafficking in human beings abroad for the Georgian nationals, protection, assistance and rehabilitation centers of (statutory) victims of trafficking in human beings, etc.;
  - f) Inclusion of trafficking in human beings-related topics in the curricula of secondary (high schools) and highest education institutions;
  - g) Arranging and conducting special training courses or seminars for public officials responsible for implementation of measures for preventing and combating trafficking in human beings, and measures of protection, assistance and rehabilitation of the (statutory) victims of trafficking in human beings.
  - h) Other measures directed against all factors facilitating any form of exploitation.

#### **Article 6. Competence of State Agencies in the Prevention of Trafficking in human beings**

1. State agencies promoting prevention of trafficking in human beings shall: provide conditions for the prevention and elimination of trafficking in human beings; improve the legal and economic background for at-risk groups; and implement appropriate informational and educational campaigns.

2. The State Agency for Social Assistance and Employment shall, within its competence, obtain and make publicly available information on vacancies within and outside Georgia, perform intermediary services for the purpose of providing job seekers with employment, and promote the elaboration and implementation of projects for employment of the unemployed.
3. The government authority responsible for the management of tourism and resorts shall, within its competence, elaborate a program for the protection and security of tourists and vacationists and shall coordinate implementation of such program.
4. The Ministry of Education and Sciences of Georgia shall, within its competence, ensure the inclusion of trafficking in human beings-related topics in the curricula of secondary (high schools) and highest education institutions.
5. The Ministry of Foreign Affairs of Georgia shall, within its competence, oversee the issuance of Georgian visas and identification documents allowing citizens of Georgia to return to Georgia; ensure holding negotiations with foreign countries with a view of concluding bilateral and multilateral agreements in accordance with the Georgian legislation in order to provide citizens and permanent residents of Georgia with employment opportunities outside Georgia; assign the staff responsible for dealing with trafficking issues in the consular institutions of Georgia in accordance with the procedure defined by the Georgian legislation in order to render legal assistance to citizens and permanent residents of Georgia being abroad.
6. Ministry of Internal Affairs of Georgia shall, within its competence, oversee the movement of persons across the Georgian state border and the activities of border check-points in order to ensure identification of persons participating in the crime of trafficking in human beings and registration of their entry into and exit from Georgia; cooperate with relevant law enforcement bodies of foreign countries; research and analyze causes of trafficking in human beings in order to eradicate and prevent trafficking in human beings and implement preventive measures for the eradication of such causes.
3. State authorities shall ensure implementation of activities as identified in this Article and, for this purpose, shall cooperate with international organizations, not-for-profit legal entities operating in Georgia and other civil society institutions.

### **Chapter III**

#### **Mechanisms to Combat Trafficking in human beings**

#### **Article 7. Competence of State Agencies in Combating Trafficking in human beings**

1. The mechanisms to combat trafficking in human beings shall imply the combination of measures to be carried out to reveal and investigate the crime of trafficking in human beings and to detect, arrest, prosecute, and sentence traffickers, as well as to provide information to, protect and assist the (statutory) victims of trafficking in human beings.
2. The state agencies responsible for combating trafficking in human beings shall implement measures to prevent, detect and eradicate this crime as well as to identify, arrest and prosecute persons suspected in the crime of trafficking in accordance with the legislation of Georgia.
3. State agencies responsible for combating trafficking in human beings and protection of (statutory) victims of trafficking in human beings shall elaborate mandatory guidelines on and train their own employees by means of special training courses or seminars on identification and treatment of victims of trafficking in human beings and specificities of related proceedings.
4. The Ministry of Internal Affairs of Georgia shall, within its competence conduct criminal intelligence and investigative activities, ensure security of (statutory) victims and witness of trafficking in human beings, ensure creation of a unified database, cooperate with relevant state agencies in order to elaborate and implement measures against trafficking in human beings.
5. The Prosecution Service of Georgia shall, within its competence, conduct prosecution and support charges in the court on cases of trafficking in human beings.
6. With a view of effective fight against trafficking in human beings, a Permanent Task Group against Trafficking in human beings shall be established at the Ministry of Interior that shall be composed of representatives from the Prosecution Office of Georgia and other relevant state bodies. The Group will coordinate criminal intelligence and investigation activities related to trafficking in human beings on the entire territory of the country. The Group has the right to receive any information pertaining to trafficking in human beings directly from the relevant state bodies, including embassies and consulates.

#### **Article 8.**

#### **Unified Information Database**

1. For the purpose of identifying and systematizing existing information on traffickers, a Unified Information Database shall be established in the Ministry of Internal Affairs of Georgia in accordance with procedure established by the legislation of Georgia. The Database shall include information obtained through criminal intelligence measures, pre-trial investigation and court hearings and/or information received from the International Criminal Police (Interpol) or other relevant organizations.

2. The procedure of creation of the Database, the nature and content of the information to be entered into the Database as well as the list of persons authorized to access the Database shall be approved by the Minister of Internal Affairs.
3. Information kept in Database is confidential information and may be accessed and released in accordance with procedures under law on accessing and issuing confidential information.
4. Unauthorized disclosure of information kept in the Database shall be punishable under law.

#### **Article 9.**

##### **State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in human beings**

1. Legal entity of Public law "State Fund for Protection to and Assistance of (Statutory) Victims of Trafficking in human beings" (hereinafter - "the Fund") shall be established for the purpose of effective implementation of protection, assistance and rehabilitation measures for the (statutory) victims of trafficking in human beings.
2. State control over the Fund shall be exercised by the Ministry of Labor, Health and Social Protection of Georgia.
3. The Fund shall be governed by its Director, who shall be appointed and dismissed by the President of Georgia.
4. The Supervisory Council shall be established to coordinate the activities of the Fund. The Supervisory Council shall be comprised, in addition to representatives from state agencies, of representatives from not-for-profit legal entities and international organizations working in the relevant field and relevant specialists and scientists.
5. The structure and rules of operation of the Fund shall be determined by its Statute. The Statute, upon submission of the Director of the Fund, shall be approved by the President of Georgia.
6. The purpose of the Fund is to grant compensation to (statutory) victims of trafficking in human beings as well as to finance their protection, assistance and rehabilitation measures.
7. Sources of income of the Fund are:
  - (a) state budgetary resources;
  - (b) resources received from international organizations;
  - (c) contributions from legal entities and natural persons;
  - (d) other income permitted under legislation of Georgia.

#### **Article 10. Interagency Coordination Council for Carrying out Measures Against Trafficking in human beings**

1. For the purpose of promotion of effective performance of the functions by state agencies responsible for preventing and combating trafficking in human beings and the protection, assistance and rehabilitation of the (statutory) victims of trafficking in human beings, and to coordinate and monitor activities, the Interagency Coordination Council for Carrying out Measures Against Trafficking in human beings (hereinafter - "the Council") shall be established by President of Georgia.
2. Along with the representatives from state agencies, the Coordination Council may consist of representatives of not-for-profit legal entities and international organizations working in the relevant field, representatives of mass media and relevant specialists and scientists.
3. Rules of creation of the Coordination Council, nomination to and removal from the Coordination Council of persons, composition and rules of operation of the Coordination Council (Statute) shall be determined by the Government of Georgia and approved with the Decree of the President of Georgia.

#### **Chapter IV**

##### **Legal Protection, Assistance to and Rehabilitation of the (Statutory) Victims of Trafficking in human beings**

#### **Article 11. Status of a Victim of Trafficking in human beings**

1. The Permanent Group at the Interagency Coordination Council for Carrying out Measures Against Trafficking in human beings shall decide on granting the status of victim of trafficking in human beings within 48 hours after application by a person to the Service Institution for the Victims of Trafficking in human beings (Shelter) or other relevant institution. Composition, rules of operation and the scope of authority of the Permanent Group shall be determined by the Coordination Council.
2. If a person is granted the status of victim of trafficking in human beings, the person shall have the right to address the Service Institution for the Victims of Trafficking in human beings (Shelter) and to exercise his/her rights under this Chapter.

3. Enjoyment of the status of victim of trafficking in human beings as such by a person shall not be the basis for such person to enjoy the rights and obligations of statutory victim prescribed by the Criminal Procedure Code of Georgia.
4. Provisions of this Chapter shall apply to citizens of Georgia and stateless persons permanently residing in Georgia who were recognized as victim of trafficking in human beings in other countries.

#### **Article 12.**

##### **Deliberation Term (Reflection Period)**

1. A victim of trafficking in human beings shall be entitled to a 30-day deliberation term to decide whether he/she wants to cooperate with the law enforcement bodies in proceedings related to the given crime.
2. Countdown of the deliberation term starts from the date when the person addresses the Service Institution for the Victims of Trafficking in human beings (Shelter), law enforcement bodies or other relevant institution.
3. During the deliberation term the victim of trafficking in human beings shall not be subject to liability under Article 371 of the Criminal Code of Georgia.

#### **Article 13. Specificities of Criminal Proceedings related to the Crime of Trafficking in human beings**

1. Criminal proceedings in relation to the crime of trafficking in human beings shall be conducted pursuant to the Criminal Procedure Code and other legislative acts of Georgia.
2. A closed court hearing on the crime of trafficking in human beings may be held by order (resolution) of the court (judge) based on the motion submitted by the prosecutor, statutory victim or the representative of the statutory victim.
3. Special protection measures prescribed by the Criminal Procedure Code of Georgia may be applied in cases of the crime of trafficking in human beings.
4. Legal entities perpetrating the crime of trafficking in human beings are subject to criminal liability in accordance with the Georgian legislation.
5. Traffickers may be deprived of criminal proceeds in accordance with the legislation of Georgia.
6. Before, during and after criminal proceedings on the crime of trafficking in human beings, measures of protection, assistance and rehabilitation of (statutory) victims of trafficking in human beings prescribed in this Law shall be effected.

#### **Article 14. Legal Protection of (Statutory) Victims of Trafficking in human beings**

1. Access to justice is guaranteed to (statutory) victims of trafficking in human beings in the manner prescribed by the legislation of Georgia.
2. Law enforcement bodies shall immediately explain to the (statutory) victim of trafficking in human beings that he/she has the right to address the Service Institution for the Victims of Trafficking in human beings (Shelter).
3. Law enforcement bodies and a Service Institution for the Victims of Trafficking in human beings (Shelter) shall provide the (statutory) victims of trafficking in human beings with full information on Georgian legislation on trafficking in human beings.
4. The investigator, prosecutor and judge shall inform the statutory victim of trafficking in human beings, in his/her native language or in a language he/she understands, of his/her rights and legal status as well as provide information on matters relating to the investigation and criminal proceedings.
5. In the criminal proceedings, the state shall provide the statutory victim of trafficking in human beings 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.
6. (Statutory) victim of trafficking in human beings may receive free legal aid and in-court representation from Service Institution for the Victims of Trafficking in human beings (Shelter) or other natural person or legal entity having relevant authorization, in accordance with procedures established by the Georgian legislation.
7. The statutory victim and witness as well as persons providing legal protection and assistance to them shall 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.
8. Identity, address and other personal data of (statutory) victims and witnesses of trafficking is confidential information and its disclosure is prohibited except in cases envisaged by law.
9. 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.

#### **Article 15. Exemption of (Statutory) Victims of Trafficking in human beings from Liability**

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

**Article 16. Right of the (Statutory) Victim of Trafficking in human beings to Reimbursement of Damages Incurred as a Result of the Crime of Trafficking in human beings**

1. The (statutory) victim of trafficking in human beings shall have the right to request reimbursement of moral, physical or material damages, which he/she incurred as a result of crime of trafficking in human beings, in accordance with Civil Procedure Code and the Criminal Procedure Code of Georgia.
2. Where it is impossible to reimburse damages incurred by a (statutory) victim of trafficking in human beings under paragraph 1 of this Article, he/she shall receive compensation from the Fund in accordance with the procedure established by the Georgian legislation.

**Article 17. Competence of State Agencies in the Protection, Assistance and Rehabilitation of (Statutory) Victims of Trafficking in human beings**

1. Protection, assistance, rehabilitation and reintegration of (statutory) victims of trafficking in human beings shall imply the combination of those legal, social and organizational measures that provide for:
  - (a) Prosecution of the crime of trafficking in human beings with full respect for the dignity, privacy, and security of the (statutory) victims of trafficking in human beings;
  - (b) Inadmissibility of discrimination against (statutory) victims of trafficking in human beings;
  - (c) Elaboration of effective mechanisms for reimbursement of damages incurred as a result of crime of trafficking by (statutory) victims of trafficking in human beings;
  - (d) Promotion of full rehabilitation and reintegration into family and society of the (statutory) victims of trafficking in human beings;
  - (e) Provision of full information to the (statutory) victims of trafficking in human beings on their rights and legal remedies to ensure protection of these rights existing under the legislation of Georgia.
2. State agencies responsible for the protection, assistance, rehabilitation and reintegration of the (statutory) victims of trafficking in human beings shall, in accordance with this Law and other legislative acts, cooperate with international organizations, not-for-profit legal entities operating in Georgia and other civil society institutions, in order to: ensure legal protection and assistance of (statutory) victims of trafficking in human beings; ensure full secrecy of personal data of (statutory) victims and witnesses of trafficking; ensure protection of their privacy and personal security, safe repatriation and medico-psychological rehabilitation; elaboration and implementation of mechanisms for reimbursement of physical, moral and material damages incurred as a result of the crime of trafficking.

**Article 18. Mechanisms for Assistance and Rehabilitation of (Statutory) Victims of Trafficking in human beings**

1. With the consent of the victim of trafficking in human beings, the state shall ensure his/her accommodation in a Service Institution for the Victims of Trafficking in human beings (Shelter) – a dwelling that is appropriate for decent and safe being.
2. It shall be prohibited to place the victims of trafficking in human beings in places of detention, pre-trial detention facilities, prisons and other places of detention save in exceptional situations determined by law and if they can be separated from others.
3. A Service Institution for the Victims of Trafficking in human beings (Shelter) shall, with the consent of the (statutory) victim of trafficking in human beings, provide him/her with free-of-charge medical and psychological assistance and free-of-charge legal consultation and assistance. A Service Institution for the Victims of Trafficking in human beings (Shelter) shall elaborate and implement short and long-term programs of rehabilitation and full re-integration into the family and society of (statutory) victims of trafficking in human beings.

4. With the consent of the (statutory) victim of trafficking in human beings, the Ministry of Education and Science of Georgia shall ensure his/her participation in professional training and other educational programs developed jointly by the Ministry of Education and Science of Georgia and the Ministry of Labor, Health and Social Protection of Georgia.
5. When performing their obligations under this Article, all Service Institutions for the Victims of Trafficking in human beings (Shelters) shall take into consideration the victims' age, sex and special needs, particularly special needs of the children in appropriate housing, education and care.
6. (Statutory) child victims of trafficking in human beings are subject to the protection mechanisms established by the United Nations Convention on the Rights of the Child of 20 November 1989, the Council of Europe Convention on Action against THB and guidelines adopted by international organizations in the field of protection of child victims of trafficking in human beings.
7. If the age of (statutory) victim of trafficking in human beings is not determined and there are reasonable grounds to believe that the (statutory) victim of trafficking in human beings 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.
8. Measures directed at the protection of personal security and medico-psychological rehabilitation of (statutory) victims of trafficking in human beings shall be applied only with their consent and in observance of full confidentiality of their personal data.

#### **Article 19. Arrangement of Service Institution for the Victims of Trafficking in human beings (Shelter)**

1. For the purposes of the protection of the legal rights and interests of the (statutory) victims of trafficking in human beings, their assistance, rehabilitation and full reintegration in family and society, a Service Institution for the Victims of Trafficking in human beings (Shelter) shall be established in accordance with the procedure prescribed by the Georgian legislation.
2. A Service Institution for the Victims of Trafficking in human beings (Shelter) shall be established at the Fund as a structural unit of the legal entity of public law.
3. Any natural person or legal entity is empowered to establish, in legal-organizational form prescribed by the Georgian legislation, a not-for-profit legal entity of private law – a Service Institution for the Victims of Trafficking in human beings (Shelter).
4. A Service Institution for the Victims of Trafficking in human beings (Shelter) shall meet standards established by the Georgian legislation.
5. A Service Institution for the Victims of Trafficking in human beings (Shelter) shall ensure the exercise of rights of (statutory) victims of trafficking in human beings under this Law, including personal security while the (statutory) victim of trafficking in human beings is in the Service Institution for the Victims of Trafficking in human beings (Shelter).

#### **Article 20. Status and Repatriation of Foreign (Statutory) Victims of trafficking in human beings**

1. The foreigners who are (statutory) victims of trafficking in human beings perpetrated on the territory of Georgia shall have the rights as envisaged for the (statutory) victims of trafficking in human beings by this Law.
2. A (statutory) victim of trafficking in human beings who is a foreign citizen or a stateless person shall be exempted from the liability for act envisaged by Article 185 of the Administrative Violations Code of Georgia.
3. It is impermissible to expel a foreigner from the territory of Georgia if there are reasonable grounds to believe that he/she may be a (statutory) victim of trafficking in human beings.
4. During the deliberation term (reflection period), a residence permit shall be issued to the person referred to in paragraph 1 of this Article by the Ministry of Justice of Georgia based on a motion of a Service Institution for the Victims of Trafficking in human beings (Shelter) or a body in charge of criminal proceedings. Identity-related information provided in the motion is confidential information disclosure of which is punishable under law. The relevant state body shall decide on classifying the information as confidential in accordance with procedure prescribed by the General Administrative Code of Georgia.
5. If the person referred to in paragraph 3 of this Article decides to cooperate with the law enforcement bodies in the process of criminal proceedings on the given crime, he/she shall be provided, in accordance with Georgian legislation, with a resident permit 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 Labor Code of Georgia.
6. After the expiration of the deliberation term or upon completion of the relevant criminal proceedings, the state shall take appropriate measures to safely return foreign (statutory) victims of trafficking in human beings to their country of origin.
7. After the completion of the relevant criminal proceedings, a foreign (statutory) victim of trafficking in human beings may, at his/her request, be granted asylum on the territory of Georgia if there are reasonable grounds to believe that his/her life, health or personal liberty will be under threat if returned to the country of origin.



**Article 21. Safe repatriation of citizens of Georgia or persons permanently residing in Georgia who have become (statutory) victims of trafficking in human beings**

1. Georgian consular services and diplomatic representations shall cooperate with the Ministry of Justice of Georgia and other appropriate state agencies of Georgia in order to issue, within shortest possible time, identification documents or one-time travel documents allowing to return to Georgia to (statutory) victims of trafficking in human beings and to ensure their safe return to Georgia.
2. For the purpose of the safe and voluntary return of (statutory) victims of trafficking in human beings, state agencies of Georgia shall cooperate with the appropriate agencies of foreign countries, international organizations and not-for-profit legal entities.

**Chapter V**

**Georgia's International Cooperation in Combating Trafficking in human beings**

**Article 22. Cooperation of the Georgian State Agencies with Appropriate State Agencies of Foreign Countries in Combating Trafficking in human beings**

Cooperation of the Georgian state agencies with the appropriate state agencies of foreign countries in preventing and combating trafficking in human beings as well as in protection, assistance and rehabilitation of (statutory) victims of trafficking in human beings shall be determined pursuant to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in human beings, Especially Women and Children, the Council of Europe Convention on Action against THB, Georgia's international treaties on mutual legal assistance concluded with respective states and Georgia's other international treaties and agreements.

**Article 23. Cooperation with International Governmental and Non-Governmental Organization in Implementing Joint Programs**

International governmental and non-governmental organizations, according to procedure prescribed by the Georgian legislation, participate in elaboration and implementation of measures and joint programs aimed at preventing and combating trafficking in human beings and protection, assistance and rehabilitation of (statutory) victims of trafficking in human beings.

**Chapter VI**

**Transitional Provisions**

**Article 24. Measures to be Undertaken in Relation to Entry into Force of this Law**

1. The Government of Georgia shall ensure financing of measures against trafficking in human beings to be implemented by the state agencies responsible for combating trafficking in human beings.
2. Within 6 months following the entry into force of this Law, the Government of Georgia shall elaborate and submit to the President of Georgia for his approval Rules of creation of the Interagency Coordination Council for Carrying out Measures Against Trafficking in human beings, nomination to and removal from the Coordination Council of persons, composition and rules of operation of the Coordination Council (Statute).
3. Within 6 months following the entry into force of this Law, the Coordination Council shall elaborate and submit to President of Georgia for his approval the unified standards and rules of identification of victims of trafficking in human beings.
4. Within 6 months following the entry into force of this Law, the Coordination Council shall approve:
  - (a) Composition, rules of operation and scope of authority of the Permanent Group established at the Coordination Council;
  - (b) Necessary standards and requirements for the arrangement of a Service Institution for the Victims of Trafficking in human beings (Shelter) and its model Statute;

- (c) Operational instruction for the protection of victims of trafficking in human beings (National Referral Mechanism);
- (d) Rules of granting compensation by the Fund.
- 5. Within 6 months following the entry into force of this Law, the Ministry of Economic Development of Georgia shall ensure transfer of appropriate property in accordance with procedure prescribed by the legislation of Georgia to the legal entity of public law "State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in human beings".
- 6. Within 6 months following the entry into force of this Law, the Ministry of Internal Affairs of Georgia shall undertake necessary organizational and legal measures for the creation of the Unified Information Database.
- 7. Within 3 months following the entry into force of this Law, the Ministry of Labor, Health and Social Protection shall elaborate rules and forms of rendering medical assistance to victims of trafficking in human beings.
- 8. Within 6 months following the entry into force of this Law, the Ministry of Education and Science of Georgia shall ensure inclusion of trafficking in human beings-related issues into the curricula of secondary (high schools) and highest educational institutions.
- 9. Within 6 months following the entry into force of this Law, the Minister of Internal Affairs of Georgia shall approve the rule of creation of the Unified Information Database.
- 10. Within 1 month following the entry into force of this Law, the Ministry of Foreign Affairs of Georgia shall ensure assignment of the staff responsible for dealing with trafficking issues in the consular institutions of Georgia and public availability of relevant information, including outside Georgia.
- 11. Within 6 months following the entry into force of this Law, the Ministry of Foreign Affairs of Georgia shall submit to the Parliament of Georgia the Council of Europe Convention on Action against THB for ratification.

#### **Chapter VII**

#### **Concluding Provisions**

#### **Article 25. Entry into Force of the Law**

- 1. This Law save its Articles 13(4), 18(2) and 22 shall enter into force after one month following its publication.
- 2. Article 13(4) of this Law shall enter into force following the relevant amendments and addenda are made to the Criminal Code and Criminal Procedure Code of Georgia.
- 3. Article 18(2) of this Law shall enter into force from 1 January 2008.
- 4. Article 22 of this Law shall enter into force following Georgia's accession to the United Nations Convention against Transnational Organized Crime, its Protocol against Trafficking in human beings, Especially Women and Children and the Council of Europe Convention on Action against THB.

President of Georgia

Mikheil Saakashvili

Tbilisi

28 April, 2006

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18. Question 18: Please indicate which of the following forms of THB are recognized under your internal law:

- national;
- transnational;
- linked to organized crime;
- not linked to organized crime.

Georgian legislation does recognize all forms of THB as listed above.

19. Question 19: Under your internal law, is a "victim of THB" any natural person who is subject to THB as defined in Article 4a of the Convention?

Yes

Please provide (a translation of) the legal text(s) in English or in French.

(Article 3(j). Definition of the Terms: Law of Georgia on Combating THB ): Victim of THB – a natural person who suffered moral, physical or material damage as a result of the commission of the crime of THB and who has been, in accordance with the Georgian legislation, recognized as victim of THB by the Permanent Group at the Interagency Coordination Council for Carrying out Measures Against Trafficking in human beings;

Please also see the translations of legal texts in English above.

20. Question 20: Does your internal law recognize as victims of THB:

- women;

- men;

-children?

Yes – see the provisions above.

21. Question 21: To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognized as a victim of THB under your internal law?

(Article 3(a). Definition of the Terms): According to the Law of Georgia on Combating THB Consent of the victim of trafficking in human beings to his/her deliberate exploitation shall have no importance.

According to the note to Article 143<sup>1</sup> of the Criminal Code of Georgia: For the purpose of this Article and Articles 143.2 and 143.3 of this Code, exploitation shall mean the use of a person for forced labor or service, his/her engagement in the criminal or other anti-social conduct or prostitution, placement of a person under conditions similar to slavery or modern conditions of slavery, sexual exploitation or forcing provision of other services, as well as the use of a person for transplanting an organ, part of an organ, or tissue of a human body or otherwise utilizing him/her. The placement under modern conditions of slavery shall mean the deprivation of personal identification documents, restriction of the right to free movement, prohibition of contact with a family, including correspondence and telephone communication, cultural isolation, forced labor under the conditions degrading human honor and dignity and/or without any or adequate remuneration. **The consent of a person on his intentional exploitation shall not be taken into consideration.**

Please specify if your internal law contemplates the consent of the three categories of victims: women, men, children. Please provide examples.

Not applicable. The consent does not change the fact that a person was exploited.

22. *Question 22:* Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years?

Yes.

If so, was it based on research for determining effective prevention methods?

Yes.

Was it addressed to a particular group of potential victims?

Generic, but also at children, youngsters – both women and men, and parents.

Which bodies, governmental or non-governmental, were in charge of implementing it?

All the Governmental agencies participating in the Coordination Council, principally the State Fund and the Coordination Council coordinated. NGOs and international organizations also participated.

Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If more than one campaign or programme was carried out please provide the details for each of them.

The 2009-2010 National Action Plan, approved by the President of Georgia in early 2009, among other activities envisaged:

Carrying out preventive measures, including information and education campaigns: Public Service Announcements, radio and TV programs, preparation and dissemination of printing materials in Civil Registry Offices, Georgian Consulates, tourist and employment agencies, and at border check points and potential high THB risk zones; organization of public discussions in different higher education institutions around the country on THB related issues, as well as along with these, the continued special trainings for specifically selected target groups including judges, prosecutors, border officials, social workers, police, carrying out special education activities for minors, with a special emphasis on orphanages.

The Government of Georgia continued an extensive anti-THB public information campaign for relevant Government of Georgia's agencies and the public at-large, in cooperation with international organizations and local NGOs.

During 2007-2010 Government of Georgia undertook a wide-scale campaign of putting inserts into passport issued by the Civil Registry Agency, as well as disseminating the brochures and small leaflets on the risks related to trafficking in human beings and the services provided by the Government of Georgia to avoid trafficking in human beings, and if still a person falls a victim of the crime how to seek assistance.

Please find some of the initiatives below. More details may be provided in case of such need.

The Government of Georgia also launched a public awareness campaign using mass media and interactive meetings with target groups. Two PSAs, one old and one new, ran throughout the year on TV. Eight different live shows, with interactive participation between hosts and the audience, addressing THB were conducted on TV and radio throughout the year (see details under "Prevention".)

The Government of Georgia has undertaken numerous, effective information and public-awareness campaigns conducted as a part of its broader anti-trafficking efforts. The list below provides a detailed review of many of the

steps it has taken. Most of the below meetings were organized and conducted by the Permanent Coordination Council, Director of the State Fund, and the Chief Prosecutor's office.

#### *Public Service Announcement*

As a result of cooperation of the Office of the Prosecutor General of Georgia, the State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons and the Georgian Public Broadcaster, the public service announcement with the slogan "Let's Fight Trafficking in Persons Together!" was produced. The PSA provides for a simple, easily understandable definition of the crime of trafficking in persons, specifically underlines that not only vulnerable women and children, but anyone can become a victim of trafficking; The PSA calls on the society at large to get together in fighting against trafficking, be vigilant and keep in mind that trafficking may be taking place not only in remote areas, but it may occur even next door, not to think that trafficking only happens after crossing the Georgian State Border. The PSA calls on anyone having any information on facts of THB to call "the hot-line" numbers of the State Fund, the Office of the Prosecutor General and the Ministry of Interior (the Special Operative Department).

In the first half of the 2009 through close cooperation of Coordination Council and Georgian Public Broadcaster short video clip was produced. Clip was easy to understand for all age groups and plainly described threat and the essence of trafficking in persons.

Coordination Council and Georgian Public Broadcaster produced 5 programmes and news reports on threat of the trafficking and need for the prevention.

Ministry of Education and Science of Georgia (MES) with participation of the school pupils produced short video clip named "Don't trade freedom for slavery", clip regularly airs on Georgian TV outlets. Educational film on trafficking was produced for the tenth graders as a part of their educational program.

In spring 2009 nationwide TV station First Channel in its weekly program "The Life is Beautiful" talked about all aspects of the trafficking, need for its prevention and described means and ways of fighting against it. Program also described all services that are provided by the government for the victims of the trafficking in persons and also presented materials on work done to prevent trafficking in persons. The program also included interviews with victims of labor trafficking who had been working in the Russian Federation against their will.

Civil Registry Agency of the Ministry of Justice received 20,000 informational pamphlets from Ministry of Foreign Affairs; they were distributed in spring 2009 in all regions of Georgia. In addition in 2009 Civil Registry also distributed informational pamphlets.

The State Fund published informational pamphlet – "Let us Fight Trafficking in Human Beings Together". The will be distributed in the regions of Georgia.

The State Fund in cooperation with MoJ is working on the informational pamphlet "What should we know about trafficking in persons".

In general information pamphlets were produced in cooperation with different International Organizations and were distributed on whole territory of Georgia.

Coordination Council initiated inclusion of the mandatory course on trafficking for the students of the law faculty of the Iv. Javakhishvili Tbilisi State University. Course includes theoretical and practical elements. By the end of the course, after concluding theoretical part of the course, students have the chance to learn how different ministries and state agencies, as well as NGOs and international organizations, deal with the issues related to trafficking in persons, they receive detailed information and gain practical experience on protection and support of the victims of the trafficking.

There were 10 different discussions held with youngsters in different regions of Georgia, organized by the State Fund and the Coordination Council throughout 2009.

Ads were put out in media outlets to popularize hotline number 100 229. 42 calls were made to the hotline on suspicion of the trafficking. In cooperation with the “World Vision” billboards were produced and put out in different cities of Georgia in particular in Tbilisi, Khashuri and Marneuli.

State Fund designed its own webpage ([www.aTHBfund.gov.ge](http://www.aTHBfund.gov.ge)) dedicated to the description of the services provided to victims of the trafficking. Webpage also contains information on existing legislation, useful contacts, and other information on fighting against trafficking.

Information on trafficking on the web page of the Prosecutor General's Office was frequently updated. On the homepage of the MoJ special banner is dedicated to the trafficking and it is operational ([http://www.justice.gov.ge/index.php?lang\\_id=GEO&sec\\_id=173](http://www.justice.gov.ge/index.php?lang_id=GEO&sec_id=173))

MIA has concluded working and launched new web page ([www.police.ge](http://www.police.ge)) where special banner is dedicated to the trafficking named “You are not for sale” <http://www.police.ge/index.php?m=426>.

Police Academy of the MIA has included trafficking issues in the basic curriculum for the border guards, patrol policemen and precinct policemen. Four hours are dedicated to the issues of trafficking in persons. Students receive general information on trafficking in persons, study Georgian laws and regulations on trafficking, receive instructions how to treat victims of trafficking in persons. Curriculum also includes practical training on trafficking related issues; they are trained to identify possible victims or offenders of the trafficking.

MES in cooperation with the IOM is running the program called “Georgian School system in the service of the prevention of the trafficking”. Program is aimed to include education on trafficking into the national educational plan for schools. Within the program course on trafficking was developed and piloted for the 9<sup>th</sup> graders, in addition course on trafficking in persons was developed for 10<sup>th</sup> and 11<sup>th</sup> graders. Two representatives of the MIA are participating in the program activities.

On 29 October, 2009, MES held second training – meeting for all participants in the program. Participants discussed plans for future in particular inclusion of the developed educational materials into study plan and the training of the teachers. At the moment preparatory work is underway to declare tender in order to determine organization which will provide training for the teachers.

Meeting was held with the authors of the books on civic education for 9<sup>th</sup> and 10<sup>th</sup> graders and books of geography for 11<sup>th</sup> graders. Meeting was aimed to discuss how to include into these books materials on trafficking in persons.

Special materials were developed and printed to use for the meetings in the orphanages, different risk groups youngsters, other risk groups and organizations. One of this kind of a meeting was held in the Tbilisi Center for Social Adaptation, and with the young girl and women who are on probation (this meeting was held with support of the Ministry of Corrections and Legal Assistance).

As the activities include not only face to face meetings, but also national wide TV coverage, banners in streets, pamphlets, etc. the majority of Georgian population having access to nation wide TV channels is targeted and reached.

On January 17, 2008, a discussion on combating THB and providing victims with assistance was held at the Office of the Public Defender of Georgia. Along with the relevant state actors, representative of IOM, ILO, USAID, OSCE and GYLA also participated in the meeting.

On January 31, 2008, a meeting on THB was held with the representatives of the National Minority Council, composed of minority leaders from all over Georgia. The National Minority Council functions at the auspices of the Office of the Public Defender of Georgia and along with representing and protecting minority rights, acts as a consultative body for the Georgian Public Defender.

There were no less than 25 similar meetings with different target groups in 2008-2010, in different regions of Georgia.

A Public Service Announcement with the slogan "Let's Fight Trafficking in Persons Together!" was produced. The PSA was running on three different TV channels (Georgian Public Broadcaster, Adjara TV, and Rustavi-2) approximately 25 times a day together with a new PSA produced later on.

Georgia's Civil Registry Agency continues to disseminate anti-trafficking brochures with new passports. The booklets discuss finding legal work abroad; include phone numbers and addresses of Georgian embassies and consulates; and, provide Georgian nationals with information on how to avoid THB or to obtain timely assistance in case they become THB victims. The MOIA also disseminated the brochures at Georgian border checkpoints. Along with that, the Ministry of Interior prepared and

These campaigns (fully-described above) are effective in reaching a wide audience. The PSAs aired on national TV have probably reached the most Georgians of all the anti-THB GOG initiatives. Anti-Trafficking in Human Beings documentary the GOG is showing to students on national TV stations, called "Sex Slaves," will help reach an even broader audience as television is the main source of information for most Georgians.

Therefore, the Government of Georgia has consistently and proactively conducted extensive, serious anti-trafficking public awareness campaigns and outreach activities during the reporting period, despite continued political unrest.

In the past years, the GOG primarily focused its PA campaigns at potential victims. Now the PSA and TV programs target all population groups: potential victims, potential "clients," and potential beneficiaries of forced labor as well. Prison sentences for THB are always underlined in public outreach campaigns and the GOG makes an effort to point out during these programs that it will prosecute traffickers harshly. This is stressed even more now that Article 143<sup>3</sup> has been enacted, punishing those who benefit from the services of a (statutory) THB victim.

It must also be mentioned that using big bill-boards in the areas with high turn-over of population are observed to be one of the best ways of dissemination of anti-THB information in Georgia.

There were at least 30 different street/high way bill-boards produced and installed in different regions, cities and at different highways in Georgia in 2006-2010.

#### *TV and Radio Programs*

Live talk show "Sarchevi", broadcast on January 24, 2007 on the TV channel of the Georgian Public Broadcaster, was devoted to the trafficking in persons. Representatives of the Office of the Prosecutor General of Georgia and the State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons participated in the Program. Along with the host of the Program, the questions were also submitted by the viewers of the Program. The discussion allowed the society at large to learn about the measures taken to fight trafficking in persons in Georgia. The Program viewers also received information on whom and how to approach with the information on

the possible facts of trafficking in persons, whom to approach for advice, in order to avoid becoming victims of trafficking in persons, where to enquire about the protection and rehabilitation mechanisms provided by the state<sup>3</sup>.

As it is always easier to understand a problem exemplified in a real situation, a special program was prepared and broadcast on the channel of the Public Broadcaster, having a nation-wide TV coverage, on the real facts of trafficking. The confidentiality was strictly observed, in accordance with the requirements of the relevant Georgian legislation and international standards, however all the unclassified aspects of the THB case were shown to the population at large to make them even more aware of the risks and threats related to THB.

The Director of the State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons, the member of the Parliament of Georgia, working on the THB issues and the Director of the Anti-THB Program of the Georgian Young Lawyers' Association spoke about the trafficking in persons in the live show "Pikis Saati (Rush Hour)" of the radio of the Georgian Public Broadcaster at the end of January, 2007. The program turned to be quite interesting for the listeners; this was proved by the questions submitted during the program.

#### *Preparation and Dissemination of the Print Information Material*

Ministry of Justice of Georgia has prepared the information booklets related to the issues of finding legal job abroad and avoiding becoming victims of THB in 2008-2010. The brochures disseminated along with the passports issued at the Civil Registry Offices include phone numbers and addresses of the Georgian embassies and consulates in foreign countries, to provide the Georgian nationals with timely assistance in case they become (potential) victims of trafficking in persons; The Ministry of Interior of Georgia also disseminated the relevant brochures at the Georgian border check points: "Vale", "Sarpi" and "Tbilisi Airport". Along with that, the Ministry of Interior has prepared a brochure on its activities. The brochure contains information about the fight against trafficking in persons as well. The brochure will be disseminated throughout Georgia.

#### *Public Discussions on the Issue of Trafficking in Persons*

- *Meetings in the Office of the Public Defender of Georgia*

Round of meetings directed at the public awareness raising with regard to threats of trafficking in human beings started in the beginning of 2007, by the coordination of the Office of the Prosecutor General of Georgia.

In 2007-2010 there were at least 10 public discussions on the issue of trafficking in persons was held in the Office of the Public Defender of Georgia with different target groups. The meetings were organized by the Office of the Prosecutor General of Georgia, the State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons and the Office of the Public Defender of Georgia. The discussions were held after screening a 50 minutes-long documentary "Sex Slaves". The topics of the discussion included prevention of the crime, protection and rehabilitation of the THB victims, as well as prosecution and adequate punishment of traffickers.

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<sup>3</sup> The questions, along others, included the following: how the crime of the trafficking in persons is committed? What is the sentence for this crime prescribed by the law? The trafficking victim may have crossed the state border illegally and by using the fraudulent documents. This might make him/her afraid and discourage from applying to the police, claiming that he/she is the THB victim. Are there any protection mechanisms in place in relation with such THB victims? The crime of trafficking in persons is a new phenomenon in Georgia. When was trafficking in persons criminalized in Georgia? How the coordination of the fight against trafficking in persons is undertaken in Georgia? Who shall be addressed by a person having information about the trafficking in persons? Taking in account that trafficking in persons may be taking place in more than one country, what mechanism of conducting investigation are there at the disposal of the Georgian law enforcement agencies outside the Georgian territory? What is the statistics of the criminal cases on the facts of trafficking in persons? What guarantees may be there for an alien who happens to be in Georgia, after becoming the THB victim abroad?



- Meeting in the Ilia Chavchavadze University

A public discussion on the issue of trafficking in persons was organized by the Office of the Prosecutor General of Georgia in the Ilia Chavchavadze University on February 27, 2007.

Representatives of the State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons, International Organization for Migration, US Embassy in Georgia and USAID participated in the meeting.

After screening the documentary "Sex Slaves" the discussion was held around the following issues: preventive measures undertaken by the state, commenced investigations into the THB cases, imposed sanctions, activities of the Georgian Embassies abroad directed at the assistance of the THB victims, assistance, protection and rehabilitation of the THB victims, main destination countries for the THB victims from Georgia, age and professional groups of THB victims. Organization of the similar meetings in different regions of Georgia was recommended at the end of the meeting.

- Meetings in the Tbilisi State University

A special meeting was organized in the Tbilisi State University on May 29, 2007. Two Deputies of the Prosecutor General of Georgia, Secretary to the Coordination Council, Director of the State Fund, representatives of the US Embassy in Georgia, USAID and IOM. Around 90 students participated in the meeting, where after screening the documentary related to THB, a live discussion took place. Different information brochures were distributed during the meeting.

The similar meetings were organized together with the TSU students throughout 2008-2010, approximately 15 all together, with the participation of Georgian and European, as well as US A-THB professionals.

- Meetings with the representatives of media in the Public Defender's Office

On June 5, 2007 a special meeting was organized in the Public Defender's Office, devoted to the coverage of trafficking matters by media. The discussion focused on importance of special protection of data related to the trafficking victims and peculiarities of the coverage of trafficking issues by the media. The meeting was attended by both print and TV media representatives.

There were special conferences organized at the Public Defender's Office with the participation of different students groups, which were also broadcasted throughout 2006-2010.

As for some of the previous similar actions:

On May 24, 2007 THB training for journalists was conducted at the UN office in Tbilisi.

On May 29, 2007 a special meeting was organized at Tbilisi State University. Two Deputy Prosecutor Generals, Secretary to the Coordination Council, Director of the STATE FUND, representatives of the U.S. Embassy in Georgia, USAID, and IOM took part in the discussion with around 90 students. After screening the documentary related to THB, a live discussion took place. Anti-THB brochures were distributed during the meeting.

On June 1, 2007 a meeting was held with the students at Batumi State University in Western Georgia. Around 50 students and faculty took part in the meeting along with the Director of the STATE FUND, the Regional

Prosecutor of Adjara, a USAID representative, and the Coordination Council Secretary. After screening the documentary a lengthy discussion was held with students and ABA-produced literature was distributed.

On June 5, 2007 a special meeting was held in the Public Defender's Office devoted to the coverage of THB by media. The discussion focused on the importance of protecting personal data related to THB victims and coverage of THB by the media. Both print and TV media representatives attended.

On July 10-13, 2007 a special 4 day-long training on Victim/Witness Protection was held by the UNODC for prosecutors and police in the Office of the Prosecutor General. A special section of the training was devoted to the protection of THB victims. The STATE FUND, and Georgian and foreign lawyers (from Italy, Austria, USA, and Greece) presented the group on THB.

On November 24, 2007 a meeting was held with the students at Tbilisi State University. The meeting was devoted to the issue of criminalizing the use of services of a THB victim. Around 60 law students participated in the convention.

On December 3, 2007, the Interagency Coordination Council, STATE FUND, and MPs participated in an anti-trafficking sensitization workshop for Ministry of Labor, Health and Social Affairs, and the professional unions. The workshop was organized in cooperation with the ILO, and representatives from OSCE, IOM, and USAID participated.

THB public awareness meetings were held in the ethnic-minority populated Kvemo Kartli Region in December, 2007. The meetings aimed to prevent trafficking and raise public awareness on the criminal liability for using services of a THB victim.

If there are currently plans for launching a new campaign or programme, please provide details.

There will certainly be a new campaign envisaged in the new Action Plan for 2011-2012 being currently drafted.

• *Question 23:* Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.

The Government of Georgia enhanced the work on the vocational education and training to provide the skills upgrade and economic empowerment possibilities for disadvantaged groups vulnerable to THB. It should be emphasized, that the Ministry of Education in cooperation with the European Commission has elaborated a Strategy on Vocational Education Training (VET), which was approved by the Government of Georgia. The elaboration of the relevant financing policies envisaged by the above-mentioned Strategy is underway.

- Currently, there are several dozens of specialised educational institutions country wide – and at the moment the government is rehabilitating 7 of them.
- There are a number of state VET programmes and among them – the programme run by the Tbilisi municipality is one of the most successful. It provides free of charge training in English language and computer skills for the population.
- Government has a special above-mentioned policy aimed at stimulating creation of vocational education training centres. Government grants property free of charge for these purposes. These centres are run by large and growing companies (or groups of companies which are main seekers of qualified labour force), which train the students, and afterwards employ own trainees.

Under the State Program "Vocational Training and Retraining" training and retraining of job seekers was carried out in December 2007 – April 2008 in order to enhance professional skills and help unemployed to meet the changing requirements of the labor market. More than 113 800 unemployed persons and 1 400 enterprises participated in the Program.

The Government of Georgia is oriented on improvement of qualification and knowledge of young persons in order to make them more competitive on the labour market. For this purpose, one of the initiatives can be particularly emphasized. In 2005 by the Georgia's President's initiative, the special program for perspective Master's students was created. In the framework of this program, around 400 Georgian students have been already financed to study abroad, at the leading universities. According to the statistics of the program, number of financed students increases year by year (namely in 2009 compared to 2008 number of students doubled), as well as the budget of the program, which have been increased by 340% in 2008-2009.

Besides abovementioned, the Government of Georgia started working on bilateral agreement regarding circular labour migration with France. The aim of this agreement is to enable the young people wishing to enhance their professional knowledge and skills to work by their profession in France. This program covers people higher as well as vocational education. The negotiations between Georgia and France on this agreement are already completed and will be signed in near future. In addition, approximately 17 countries expressed their readiness to start negotiations on similar agreement.

It should be noted, that State Program "Cheap Credit" was launched in 2008 - 2009 with the aim to stimulate jobs creation in regions of Georgia. Under the program private sector enterprises receive low interest credits. Approximately GEL 65 million was allocated from state budget for "Cheap Credit". 133 projects were financed and the number of new jobs and beneficiaries of approved projects exceeds 35 000 persons.

At the same time there have been recent legislative initiatives to promote "micro business", different and more favourable than previously existing only "small business" to promote the possibilities for employment of the disadvantaged groups.

Along with these, the Government has boosted the insurance policy for the disadvantaged groups vulnerable to THB and social allowances.

Significant progress has been achieved in the sphere of healthcare and social protection. Means-tested targeted assistance system was established in 2006 for the families below the poverty line, registered in the special data-base (in the framework of the state program 'United Georgia without Poverty'). Number of such families is 158 587 (445 360 persons i.e. 10.2% of the total population). The assistance increased by 26% from January 2009. Starting from November 2009 a gradation system of social assistance was introduced. The system implies that those needing the assistance the most receive its larger portion. Therefore, the assistance is more flexible and diversified. As a result, additionally 460 000 people receive means-tasted targeted assistance. Therefore, the total number of people covered by targeted social assistance program reaches 905 360 (21% of total population). It is noteworthy, that the people involved in the means-tested targeted assistance program are at the same time included in the state funded health insurance program. They have entirely free health insurance.

With regards to the public health-care the Government has elaborated a state funded health insurance package. The beneficiaries of this package are:

- The population below the poverty line
- IDPs after the August 2008 Russian invasion
- Children without parental care
- Teachers
- Armed forces personnel
- Police forces personnel
- Distinguished representatives of the cultural sphere

Apart from the abovementioned, in order to increase the involvement of the Georgian population in the health insurance system, GoG in cooperation with private insurance companies has elaborated the 'State Targeted Program for Assistance of the Coverage of the Population by the Voluntary Health Insurance' (so-called 'Cheap Insurance'). The purpose of the program is to increase the accessibility of basic health services for the whole Georgian population. For the amount of GEL 20 annually, a citizen can get the coverage of urgent health-related expenditures, general health examinations (twice a year), medical tests, etc. The program started in the beginning of 2009.

- *Question 24:* What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?

In its comprehensive Public Awareness campaign, detailed above, the Government of Georgia highlighted the new law criminalizing the benefit of a (statutory) THB victim's services (be it labor or sexual exploitation, or other). In the video clips, public meetings, and live TV and radio shows, the Interagency Coordination Council and the State Fund paid particular attention to using their message to address and reduce any demand for commercial sex acts that could exploit potential THB victims.

At an initial stage, the Government of Georgia primarily focused its PA campaigns at potential victims. Now the PSA and TV programs target all population groups: potential victims, potential "clients," and potential beneficiaries of forced labor as well.

Prison sentences for THB are always underlined in public outreach campaigns and the Government of Georgia makes an effort to point out during these programs that it will prosecute traffickers harshly. This is stressed even more now that Article 143<sup>3</sup> has been enacted, punishing those who benefit from the services of a (statutory) THB victim.

The actual sentences incurred do also play a deterrent role and support the prevention action.

- *Question 25:* Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot easily forged.

The Civil Registry Agency under the Ministry of Justice of Georgia is one of the success stories in the development context in Georgia. The Civil Registry Agency, dealing with all registrations starting from birth ending with death is very well developed, linking the registration services to the local municipalities. The Civil Registry Agency has throughout years worked on improving the registration system and security of ID documents. This has been noted in the fight against trafficking in human beings as well: in previous years there have been cases observed when nationals of central Asia were trafficked through Georgian to Turkey or United Arab Emirates. The reason for transiting them through Georgia was that old Georgian passports were forged, using which they could get to Turkey or United Arab Emirates easier than they would have done with their national passports. With the immense efforts undertaken by Civil Registry Agency in terms of registration systems establishment, as well as providing upgraded secure ID documents, the cases of using fraudulent Georgian passports are not observed during 2008-2010 any more. This has on its turn contributed to not using Georgia as a transit country for potential THB victims from Central Asia via Georgia to the countries where they would have been trafficked.

Since April 2010 issuing of biometric passports has been started. It should be underlined that these are the second generation biometric passports. The latter implies extended access control system – the most modern and secure mechanism for access to the biometric data stored on the chip incorporated into the passport booklet.

Booklets itself have secure mechanism of three different levels: 1. Visually recognizable security features; 2. Security features that are recognizable through special devices for instance UVI, 3. third level security features that can be recognized through modern forensic laboratory. All the mentioned practically excludes the possibility of passport falsification.

As regarding the identity documentation namely e-ID card, it should be noted that Civil Registry Agency of the Ministry of Justice is currently under tender procedures to identify the winner company that will provide e-ID cards personalization infrastructure. Consequently since 2011 the Georgian population will be provided alike secure travel document with modern and high secure identity document.

- *Question 26:* Please specify the measures taken by your country to detect cases of THB at its

borders, *inter alia* by means of border surveillance teams and intelligence measures.

The Ministry of Internal Affairs, Special Operations Department, is the lead investigative law enforcement agency regarding THB in Georgia. If the Georgian Patrol Police dealing with Border detain any suspected traffickers or identify possible THB victims, they turn them over to the Special Operations Department, who will lead the investigation.

Border surveillance teams and intelligence measures are used actively.

Police Academy of the MIA has included trafficking issues in the basic curriculum for the border guards, patrol policemen and precinct policemen. Students receive general information on trafficking in human beings, study Georgian laws and regulations on trafficking, receive instructions how to treat victims of trafficking in human beings. Curriculum also includes practical training on trafficking related issues; they are trained to identify possible victims or offenders of the trafficking.

The staff is trained to have the capacity in the surveillance teams and intelligence activities for the identification of THB related information.

The government stepped up its efforts to identify trafficking victims by requiring all new police to complete basic THB training. Specialized, advanced anti-THB training is mandatory for all Border Police and Special Operations Department (SOD) members.

Border Police undergo 4 weeks of basic training, which includes a 3 week-long legal course that includes trafficking issues. After this basic training, border police officers undergo a specialized one week border legislation and practical course, where THB is again covered.

Throughout 2009 the Government of Georgia has worked with the IOM, who through the funding provided by INL and in a very close cooperation with the Interagency Coordination Council and the State Fund addresses two key issues, namely identification of victims of trafficking. There shall be a training provided aimed at enhancing the capacity of the police working at state borders, mobile teams of the Interagency Coordination Council and consular officials in identifying victims of trafficking in a pro-active manner. Using IOM's already produced training module on "Victim Identification and Interview Techniques", the capacity of police working at state borders, Consular Officials and the State Fund Mobile Teams shall be enhanced further based on the partnership of the Interagency Coordination Council, the State Fund and IOM, through the funding provided by INL. All Georgian police are trained on THB awareness, how to identify and respond to likely THB victims, and how to address suspected THB activity. Georgian Border Police -- and now consular officers -- do receive additional, specialized training regarding THB identification, interviewing techniques, and provision of service to THB victims.

The Border Police continue to increase their pro-active identification of suspected THB victims at border crossings and Georgia's international airports. When the Border Police intercept suspected THB victims and/or traffickers, they turn them over to the Special Operations Department (SOD) of the MOIA.

Now, with the merger of the Georgian Border Police and Georgian Patrol Police, the unified training curriculum was prepared to make sure that the future work is done based on the training received by all officers performing at State Border check points in proactive identification of victims of trafficking in human beings.

The SOD is the lead THB investigative agency. Once any agency reports suspected THB activity, the SOD will pursue the investigation. Their 32 THB investigators, spread throughout the country, are Georgia's best-trained law enforcement officers in identifying, interviewing, and investigating THB crimes. They are also trained in sensitivity toward THB victims. Once a case is built, the SOD provides the Office of the Chief Prosecutor the evidence with which to prosecute the case.

• *Question 27:* Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.

There is information available at the consulates and embassies, as well as at the border crossing points of Georgia and the site of the Ministry of Foreign Affairs of Georgia. The information is regularly updated.

The Minister of Foreign Affairs adopted an Order on August 1, 2006, specifying which Georgian diplomats in designated countries are responsible for THB issues. This order also determines their responsibilities for the dissemination of public information regarding THB and their role in anti-trafficking measures. These representatives also receive updates on relevant legislation, instructions, and other information on-line.

In order to increase the over-all qualifications of the employees of the Ministry of Foreign Affairs of Georgia, the Diplomatic Training Center was established in 2006.

Throughout 2009 the Government of Georgia has worked with the IOM, who through the funding provided by INL and in a very close cooperation with the Interagency Coordination Council and the State Fund addresses two key issues, namely identification of victims of trafficking. There shall be a training provided aimed at enhancing the capacity of the police working at state borders, mobile teams of the Interagency Coordination Council and consular officials in identifying victims of trafficking in a pro-active manner. Using IOM's already produced training module on "Victim Identification and Interview Techniques", the capacity of police working at state borders, Consular Officials and the State Fund Mobile Teams shall be enhanced further based on the partnership of the Interagency Coordination Council, the State Fund and IOM, through the funding provided by INL.

Training to enhance identification capacity shall be aimed at applying generic IOM material united in the training module "Victim Identification and Interview Techniques" and complementing this with Georgia-specific material produced by IOM in 2008, implementation of the following courses in 2010:

- c. Four courses for consular officers of Georgia stationed in Turkey (Trabzon and Istanbul) and Greece (Saloniki and Athens) lasting two days each and addressing a total of 20 participants. IOM proposes to conduct these courses in the cities where the consular officers are stationed, rather than conducting a central course in Georgia, for the following reasons:

Based on IOM experience in training consular officials, it is very complicated to get all relevant officials who require training based on their duty stations together at the same time.

By training them at their duty station, it is possible to address not only the consular officers, but also the support staff that has face-to-face contacts with Georgian migrants.

Training at the duty station has another advantage in that, supported by IOM offices in Turkey and Greece, it gives the opportunity to improve relationships with relevant counter-trafficking stakeholders and intensify relationships of Georgian consuls with the local referral mechanism.

The program was defined by the close cooperation of the Interagency Coordination Council, the State Fund and IOM.

The Georgian Consulates abroad facilitated return of 5 persons, in the form of issuing travel documents and assisting with transportation home during 2009.

The Consular services abroad provided travel documents and coordinated with the NGOs in-country to provide the victims needed assistance. The consular officers also contacted the State Fund to provide victims with assistance upon their return to Georgia.

• *Question 28:* Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a

victim of THB or implicated in THB. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.

The information is checked via Police sources. It shall be underlined that the visas to Georgia are in many cases issued at the border, rather than at the consulates or embassies. If there is a suspicion of trafficking in human beings at the border check point, the border police is authorised to stop a person until the situation is clarified. In such a situation, there is an immediate involvement of a specially trained social worker and a lawyer to be provided by the state in the process envisaged until the situation is clarified.

All Georgian police are trained on THB awareness, how to identify and respond to likely THB victims, and how to address suspected THB activity. Georgian Border Police -- and now consular officers -- do receive additional, specialized training regarding THB identification, interviewing techniques, and provision of service to THB victims.

The Border Police continue to increase their pro-active identification of suspected THB victims at border crossings and Georgia's international airports. When the Border Police intercept suspected THB victims and/or traffickers, they turn them over to the Special Operations Department (SOD) of the MOIA.

Identification of THB victims is made in accordance with the General Rules and Standards for Identification of Victims of Human Trafficking. The Coordination Council adopted these rules on November 20, 2006 and they have been in effect since.

Once a potential victim is identified, The National Victim Referral and Assistance Mechanism (NRM) takes over. The NRM represents a detailed guideline for the effective cooperation of state agencies, local NGOs and international organizations in the identification of victims and facilitation of assistance to them. The NRM covers procedures from the moment a person is identified or claims to be a potential victim of trafficking to the moment when the victim of trafficking is safely repatriated. It clarifies and makes more precise certain facets of victim assistance outlined in the Anti-THB law.

The NRM has provisions offering protection and assistance to THB victims regardless of whether they cooperate with law enforcement bodies. For those cases, the NRM provides the possibility of granting THB victim status to an alleged victim through the Permanent Group established by the Coordination Council. The Permanent Group is composed of representatives of the state, as well as non-governmental and international organizations and is charged with granting the legal status of THB victim based on the questionnaire, which can be filled in either by the Mobile Group (a mixed group of legal and psychological NGO professionals able to meet with a potential victim anywhere in Georgia at any time) or by the Permanent Group itself. Persons granted THB victim status by the Permanent Group fall under the state protection mechanism. They can be accommodated in the shelter and enjoy other benefits (e.g. Victim Assistance Allowance, medical treatment, etc.) provided by the Law.

The Permanent Group is statutorily obligated to convene and make a decision on granting an alleged THB victim this state status within 48 hours of an individual's application, or identification by a law enforcement agency.

The GOG provides two options for protection of THB victims. The first is to house them in one of the two THB victim shelters.

THB victims and witnesses can also be placed under protection of the Witness/Victim Protection Procedures in accordance with the Criminal Procedural legislation.

All the protection mechanisms are effectively provided in practice. The Government of Georgia does provide sufficient funding for these actions. The funding of the State Fund, the primary responsible for protection and assistance is increased in 2009 and 2010 budgetary allocations, despite the general cut of funding for the state agencies.

The fact that the protections are provided in practice is constantly being witnessed by the NGOs and international organizations working in the field.

The efficiently operating National Referral Mechanism provides for a good background for the effective provision of assistance as prescribed by legislation.

• *Question 29:* Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)? If so, please specify.

In its comprehensive Public Awareness campaign, detailed above, the GOG highlighted the new law criminalizing the benefit of a (statutory) THB victim's services (be it labor or sexual exploitation, or other.) In their video clips, public meetings, and live TV and radio shows, the Interagency Coordination Council paid particular attention to using their message to address and reduce any demand for commercial sex acts that could exploit potential THB victims.

Government of Georgia is confident that the aggressive campaign to promote the "Four P's" of THB (Prevention, Protection of victims, Prosecution of traffickers, and Partnership in all of this) is paying real dividends. It is believed, with much justification, that the campaign has produced more cooperation among GOG agencies leading to better investigative and prosecutorial efforts. Likewise, the public service campaigns have alerted the populace to the threat THB poses and increased THB victims' confidence in cooperating with the authorities. Despite the positive outcome of preventive measures, which along with the Public awareness raising activities (both at national level, as well as at regional and local levels, involving different schools and local communities) and effective investigative and prosecutorial actions, the Government of Georgia consider it absolutely important to continue active prevention campaigns, as well as investigation of alleged cases and provide assistance to as many victims as possible through different mechanisms.

Following significant efforts in the previous reporting period, the GOG maintained steady progress in its efforts to prosecute traffickers, protect and assist victims, and increase public awareness. The activities described below represent some -- but not all -- of the steps taken by the GOG to meet internationally recognized norms for combating THB.

The 2009 was the year of the full implementation of all the introduced prevention, protection and prosecution mechanisms to effectively tackle trafficking in human beings. Throughout 2006 and 2007 the Georgian A-THB legislation and practices had been elaborated and put into operation. 2008 and 2009 were the years of better coordination of actions by the Interagency Coordination Council and effective implementation.

Herewith is the excerpt from the Law on the fight against THB relevant for the prevention actions:

### **Mechanisms for Prevention of Trafficking in human beings and Competence of State Agencies in**

#### **Prevention of Trafficking in human beings**

#### **Article 5. Mechanisms for Prevention of Trafficking in human beings**

3. Mechanisms for the prevention of trafficking in human beings shall imply organizational, legal, research, educational, informational and socio-economic measures that are directed at reduction, prevention and elimination of trafficking in human beings.
4. Preventive measures of the state shall imply:



- a) Elaboration and implementation of short- and long-term programs aimed at reducing poverty, underdevelopment, unemployment and unequal access to opportunities in the country, and at eliminating all forms of discrimination.
- b) Analyzing and assessing causes of trafficking in human beings;
- c) Research and collection of data on the forms and scale of trafficking in human beings in order to develop effective prevention measures;
- d) Comprehensive legal regulation of migration, implementation of measures facilitating legal labor migration;
- e) Reduction of the risk of illegal labor migration and trafficking in human beings by means of: implementing informational and educational measures, including establishing “hotlines” in relevant state agencies; developing educational programs for wide layers of population; supplying the Georgian passport and visa issuing bodies, border check-points and consulates with information materials on legal labor and prevention of trafficking in human beings abroad for the Georgian nationals, protection, assistance and rehabilitation centers of (statutory) victims of trafficking in human beings, etc.;
- f) Inclusion of trafficking in human beings-related topics in the curricula of secondary (high schools) and highest education institutions;
- g) Arranging and conducting special training courses or seminars for public officials responsible for implementation of measures for preventing and combating trafficking in human beings, and measures of protection, assistance and rehabilitation of the (statutory) victims of trafficking in human beings.
- h) Other measures directed against all factors facilitating any form of exploitation.

#### Article 6. Competence of State Agencies in the Prevention of Trafficking in human beings

- 7. State agencies promoting prevention of trafficking in human beings shall: provide conditions for the prevention and elimination of trafficking in human beings; improve the legal and economic background for at-risk groups; and implement appropriate informational and educational campaigns.
- 8. The State Agency for Social Assistance and Employment shall, within its competence, obtain and make publicly available information on vacancies within and outside Georgia, perform intermediary services for the purpose of providing job seekers with employment, and promote the elaboration and implementation of projects for employment of the unemployed.
- 9. The government authority responsible for the management of tourism and resorts shall, within its competence, elaborate a program for the protection and security of tourists and vacationists and shall coordinate implementation of such program.
- 10. The Ministry of Education and Sciences of Georgia shall, within its competence, ensure the inclusion of trafficking in human beings-related topics in the curricula of secondary (high schools) and highest education institutions.
- 11. The Ministry of Foreign Affairs of Georgia shall, within its competence, oversee the issuance of Georgian visas and identification documents allowing citizens of Georgia to return to Georgia; ensure holding negotiations with foreign countries with a view of concluding bilateral and multilateral agreements in accordance with the Georgian legislation in order to provide citizens and permanent residents of Georgia with employment opportunities outside Georgia; assign the staff responsible for dealing with trafficking issues in the consular institutions of Georgia in accordance with the procedure defined by the Georgian legislation in order to render legal assistance to citizens and permanent residents of Georgia being abroad.
- 12. Ministry of Internal Affairs of Georgia shall, within its competence, oversee the movement of persons across the Georgian state border and the activities of border check-points in order to ensure identification of persons participating in the crime of trafficking in human beings and registration of their entry into and exit from Georgia; cooperate with relevant law enforcement bodies of foreign countries; research and analyze causes of trafficking in human beings in order to eradicate and prevent trafficking in human beings and implement preventive measures for the eradication of such causes.
- 4. State authorities shall ensure implementation of activities as identified in this Article and, for this purpose, shall cooperate with international organizations, not-for-profit legal entities operating in Georgia and other civil society institutions.

. The government has consistently and proactively conducted extensive, serious anti-trafficking public awareness campaigns and outreach activities during the reporting period, despite continued political unrest.

The National Action Plan on the Fight against Trafficking in human beings for 2009-2010 among other actions envisages carrying out preventive measures, including information and education campaigns: Public Service Announcements, radio and TV programs, preparation and dissemination of printing materials in Civil Registry Offices, Georgian Consulates, tourist and employment agencies, and at border check points and potential high THB risk zones; organization of public discussions in different higher education institutions around the country on THB related issues, continued special trainings for specifically selected target groups including judges, prosecutors, border officials, social workers, police, carrying out special education activities for minors, with a special emphasis on orphanages.

In the first half of the 2009 through close cooperation of Coordination Council and Georgian Public Broadcaster short video clip was produced. Clip was easy to understand for all age groups and plainly described threat and the essence of trafficking in human beings.

Coordination Council and Georgian Public Broadcaster produced 5 programmes and news reports on threat of the trafficking and need for the prevention.

Ministry of Education and Science of Georgia (MES) with participation of the school pupils produced short video clip named "Don't trade freedom for slavery", clip regularly airs on Georgian TV outlets. Educational film on trafficking was produced for the tenth graders as a part of their educational program.

In spring 2009 nationwide TV station First Channel in its weekly program "The Life is Beautiful" talked about all aspects of the trafficking, need for its prevention and described means and ways of fighting against it. Program also described all services that are provided by the government for the victims of the trafficking in human beings and also presented materials on work done to prevent trafficking in human beings. The program also included interviews with victims of labor trafficking who had been working in the Russian Federation against their will.

Civil Registry Agency of the Ministry of Justice received 20,000 informational pamphlets from Ministry of Foreign Affairs; they were distributed in spring 2009 in all regions of Georgia. In addition in 2009 Civil Registry also distributed informational pamphlets.

The Fund published informational pamphlet – "Let us Fight Trafficking in human beings Together". The will be distributed in the regions of Georgia.

The Fund in cooperation with MoJ is working on the informational pamphlet "What should we know about trafficking in human beings".

In general information pamphlets were produced in cooperation with different International Organizations and were distributed on whole territory of Georgia.

Coordination Council initiated inclusion of the mandatory course on trafficking for the students of the law faculty of the Iv. Javakhishvili Tbilisi State University. Course includes theoretical and practical elements. By the end of the course, after concluding theoretical part of the course, students have the chance to learn how different ministries and state agencies, as well as NGOs and international organizations, deal with the issues related to trafficking in human beings, they receive detailed information and gain practical experience on protection and support of the victims of the trafficking.

There were 10 different discussions held with youngsters in different regions of Georgia, organized by the State Fund and the Coordination Council throughout 2009.

Ads were put out in media outlets to popularize hotline number 100 229. 42 calls were made to the hotline on suspicion of the trafficking. In cooperation with the “World Vision” billboards were produced and put out in different cities of Georgia in particular in Tbilisi, Khashuri and Marneuli.

State Fund designed its own webpage ([www.aTHBfund.gov.ge](http://www.aTHBfund.gov.ge)) dedicated to the description of the services provided to victims of the trafficking. Webpage also contains information on existing legislation, useful contacts, and other information on fighting against trafficking.

Information on trafficking on the web page of the Prosecutor General's Office was frequently updated. On the homepage of the MoJ special banner is dedicated to the trafficking and it is operational ([http://www.justice.gov.ge/index.php?lang\\_id=GEO&sec\\_id=173](http://www.justice.gov.ge/index.php?lang_id=GEO&sec_id=173))

MIA has concluded working and launched new web page ([www.police.ge](http://www.police.ge)) where special banner is dedicated to the trafficking named “You are not for sale” <http://www.police.ge/index.php?m=426>.

- *Question 30:* What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? Please specify amounts in euros.

Approximately EUR 50,000 is the allocated budget.

- *Question 31:* Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out? If so, please specify the results of the assessment.

Yes, the knowledge of the population at large and understanding of the risks related to THB, as well as possibilities to avoid them and the ways of approaching relevant governmental or non-governmental organizations is much higher as a result of the above-mentioned preventive measures.

## **Section II.2. Implementation of measures to protect and promote the rights of victims of THB**

- *Question 32:* At what moment and by whom is the process to identify a potential victim of THB initiated (for example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)?

Identification of THB victims is made in accordance with the General Rules and Standards for Identification of Victims of Human Trafficking. The Coordination Council adopted these rules on November 20, 2006 and they have been in effect since.

Once a potential victim is identified, The National Victim Referral and Assistance Mechanism (NRM) takes over. The NRM represents a detailed guideline for the effective cooperation of state agencies, local NGOs and international organizations in the identification of victims and facilitation of assistance to them. The NRM covers procedures from the moment a person is identified or claims to be a potential victim of trafficking to the moment when the victim of trafficking is safely repatriated. It clarifies and makes more precise certain facets of victim assistance outlined in the Anti-THB law.

The NRM has provisions offering protection and assistance to THB victims regardless of whether they cooperate with law enforcement bodies. For those cases, the NRM provides the possibility of granting THB victim status to an alleged victim through the Permanent Group established by the Coordination Council. The Permanent Group is composed of representatives of the state, as well as non-governmental and international organizations and is

charged with granting the legal status of THB victim based on the questionnaire, which can be filled in either by the Mobile Group (a mixed group of legal and psychological NGO professionals able to meet with a potential victim anywhere in Georgia at any time) or by the Permanent Group itself. Persons granted THB victim status by the Permanent Group fall under the state protection mechanism. They can be accommodated in the shelter and enjoy other benefits (e.g. Victim Assistance Allowance, medical treatment, etc.) provided by the Law.

The Permanent Group is statutorily obligated to convene and make a decision on granting an alleged THB victim this state status within 48 hours of an individual's application, or identification by a law enforcement agency.

One shelter is in Tbilisi (East-Central Georgia) and the other is in Batumi (Western Georgia).

The first THB victim shelter, established in Batumi in 2006, continues operating and is fully ready and functional throughout the year. A second THB victim shelter was completed in Tbilisi in September 2007. The State Fund for Victim Protection and Assistance (STATE FUND) operates both shelters. The shelters are now 100% funded and operated by the GOG, as the GOG completely took over their support and running in 2008. The shelters provide the following services:

- a) secure place of residence with decent living conditions,
- b) food and clothing,
- c) medical aid,
- d) psychological counseling,
- e) 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),
- f) providing information in the language the victim understands,
- g) provision of the assistance of the lawyer in case of necessity,
- h) participation in long-term and short-term programs of rehabilitation and reintegration.

The second shelter doubles the Government of Georgia's capacity to care THB victims for at any given time, and adds balance to THB victim assistance available in Eastern and Western Georgia.

The Government of Georgia allocated EUR 250,000 from the State Budget to the Stat Fund in 2009.

The State Fund also provides THB victims with a EUR 550 Victim Assistance Allowance, regardless of whether the victim cooperates with law enforcement authorities on their case. This Victim Assistance Allowance is provided by the Government of Georgia in addition to other services, including providing the shelter and medical, legal, psychological, other assistance as well as other rehabilitation and reintegration services. For the individual reintegration activities the Government of Georgia allocates minimum 1100 EUR per victim.

Persons granted THB victim status fall under a Government of Georgia protection mechanism through which they are accommodated in the shelter and receive assistance (e.g. victim assistance allowance, medical treatment, legal support, etc) provided by the Law. The Ministry of Labor, Health and Social Protection provides all necessary medical assistance to THB victims.

Georgian law does not distinguish between foreign victims and citizens/residents of Georgia in terms of receiving protection and assistance if they become victims to THB.

Citizens of different countries (mainly Central Asian) went through a course of serious psychiatric and medical treatment (under the observation of medical personnel.) They were ultimately safely repatriated according to their choice via the joint efforts of the State Fund, the Interagency Coordination Council, Georgian MFA, and IOM to their countries of origin after receiving extensive care and treatment at one of the shelters. There was a Turkish citizen accommodated in the State shelter at the end of 2009.

Article 3 of the Law against THB explicitly outlines special mechanisms for the shelter, assistance, and rehabilitation of underage victims. The relevant provision declares that child victims shall be covered by the Child

Convention of 1989 and guiding principles regarding treatment of children victims of trafficking adopted by relevant international organizations working on children's rights.

The Shelter is organized a manner that provides for easy accommodation of child victims, and the non-victim children of THB victims. Non-victim children of THB victims stayed in the shelter(s) with their parent(s) during the reporting period.

The care facilities and programs provided through shelters or outside them are for adults as well (including medical, legal, psychological, etc. care, as well as rehabilitation and reintegration services, including acquiring life skills, job skills, etc.).

The male victims are entitled to the equal care and treatment facilities and programs as female victims, based on special needs of every individual requiring such support. Male victims receive the equal treatment as females, based on their particular needs.

These facilities are operated and funded by the Government of Georgia. The initial phases of operation were co-managed by NGOs and Government of Georgia during 2006 and 2007. However, Government of Georgia gradually took over the funding as well as operation of the facilities. There are however still NGO human resources specifically trained for different needs of THB victims still involved in management of these facilities. At the same time Government of Georgia does increase funding for the facilities from the year to another.

The State Fund has fully provided both shelters with all the resources in 2009.

Any victim who wishes to receive government assistance can apply to the Permanent Group. Also, the SOD can refer any (statutory) victim to the Permanent Group or directly to STATE FUND for aid. Once the Permanent Group reviews the application and agrees that the victim is genuinely a THB victim, then the victim is eligible to receive all aid from the STATE FUND. The GOG provides all of the above aid to these THB victims, regardless of whether they reside in the shelters and regardless of whether or not they participate in the investigation of the person(s) who had trafficked them. The State Fund for THB Victim Protection and Assistance (STATE FUND), which assists victims of trafficking who cooperate with law enforcement and those who choose not to cooperate with law enforcement. STATE FUND oversees the two THB victim shelters in Georgia and coordinates government aid to victims (whether or not the victim chooses to stay in the shelter.)

The STATE FUND also provides THB victims with a \$650 (USD) Victim Assistance Allowance, regardless of whether the victim cooperates with law enforcement authorities on their case. This Victim Assistance Allowance is provided by the GOG in addition to other services, including providing the shelter and medical, legal, psychological, other assistance as well as other rehabilitation and reintegration services. The services are provided by the State Fund, even if a victim does not want to use the shelter for residence.

**If so, please specify the kind of assistance provided.**

THB victims may choose to use the services provided by the Government of Georgia, or not. Those who chose to accept state support were provided with all types, including legal, medical, and psychological. The State Fund provides free legal assistance to victims of trafficking, including court representation in civil cases when victims claim compensation from established traffickers.

Free legal aid also exists for THB victims through Free Legal Aid Service of the Ministry of Justice.

A lawyer may also be hired by the State Fund to work civil case of compensation for a victim, whose trafficker had been convicted. There are solid arrangements made by the State Fund to provide free legal aid to all trafficking victims both in criminal and civil proceedings. Along with hiring the special staff and individual lawyers, the State Fund uses pro bono services of the legal firm as well.

Victims of human trafficking receive full, free medical assistance and treatment from the Ministry of Labor, Health and Social Protection of Georgia via existing medical and social programs.

In addition to providing all required health care and medical assistance to actual THB victims requiring such, the STATE FUND also ensured treatment for the children in the shelters who were accompanying their trafficked parents.

Georgian Legislation provides for the possibility for funding NGOs that are working on THB, although there is no record of this during the reporting period.

Partnership of the State Fund and NGOs in protection, support and rehabilitation of victims is a part of the GOG policy. Therefore the State Fund for Victim Protection and Assistance can provide funding to NGOs on a per-case basis for implementation of individual rehabilitation and reintegration strategies for victims.

Georgia is still largely a recipient of foreign aid. The GOG has contributed increasing amounts of its own money to combat THB and aid victims over the past five years. See the STATE FUND budget allocations above. End note.)

While the Government of Georgia does not currently provide funding to THB NGOs, the Permanent Interagency Coordination Council and the State Fund do maintain an excellent working relationship with most of them. Recent joint efforts of the Coordination Council with THB NGOs include: IOM (military, police training, repatriation efforts), ILO (prosecutors, judges, police) GYLA (public awareness campaigns and legal assistance), NGO Women for Future, and Tanadgoma, AVNG (addressing violence toward women).

Once someone is identified as a victim of trafficking in human beings, even if said person does not have identification documents, he/she cannot be deported from Georgia.

The Law provides that, first of all, Georgian citizens and foreign nationals - victims of human trafficking - are treated on an equal basis. Victims are freed from any prosecution for crimes and misdemeanors committed while being trafficked.

The Law on Legal Status of Foreigners provides that in case of a reasonable doubt that a person is a THB victim, they are issued a residence permit.

The Law expressly prohibits expulsion of a foreigner in case of a reasonable doubt that a person is a victim of trafficking.

In accordance with the Anti-THB law and the National Referral Mechanism, shelters are created to ensure the protection of the rights and legitimate interests of a victim as well as providing them assistance, rehabilitation, and full integration back into their family and society.

A victim is placed in the shelter only if the legal status of THB victim is granted to him/her and only on the basis of his/her consent.

The victim of human trafficking may be placed in the shelter whether he/she decides to cooperate, or not, with law enforcement authorities in the proceedings conducted into the crime in question.

The State Fund for THB Victim Protection and Assistance is responsible for operating the shelters. Additionally, any NGO or individual is entitled to establish a shelter in the form of a private, non-profit organization subject to approval by the STATE FUND that the shelter meets the requirements outlined by the Coordination Council and relevant Georgian legislation.

The Shelter provides the following services: secure place of residence with decent living conditions, food, clothing, medical aid, psychological counseling, 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 information in the language the victim understands, provision of a lawyer, participation in long-term and short-term rehabilitation, and re-integration.

A victim is placed in a shelter on the basis of an individual contract, taking into account the age, sex, and other special requirements. When entering the shelter, the victim undergoes a medical examination. The period of stay in the shelter equals to 3 months. The term can be extended up to six months and beyond in extreme cases. Victims may leave the shelter voluntarily at any time.

The shelter functions on the basis of internal regulations that are to be followed both by the victims and the staff. The violation of internal regulations may result into the termination of the contract.

The Government of Georgia donated a building for the first shelter in Batumi, which was renovated and equipped with USG assistance. It has been in continuous operation since summer 2006.

A second shelter for THB victims was completed in Tbilisi in September 2007, also with USG assistance. The State Fund operates both shelters. The shelters are now completely operated and 100% funded by the GOG. There are currently 4 victims staying in the Tbilisi shelter. The two shelters are designed to accommodate 10 persons each.

The Government of Georgia's State Fund provides free legal assistance to victims of trafficking including court representation in civil cases for those suing for financial damages from convicted traffickers.

THB victims also receive cash Victim Assistance Allowance of \$650 (USD) from the STATE FUND to spend as they wish in their rehabilitation and reintegration efforts.

In addition to the shelter provided, Government of Georgia rehabilitation and reintegration actions may also include finding alternative accommodation for those who do not any more necessitate shelter accommodation and could re-enter life outside it, within the scope of the actions in the frame of reintegration and rehabilitation strategy. The text of the Rehabilitation and Reintegration Strategy, based on which the Individual rehabilitation and reintegration plan is composed by the State Fund and respective social workers cooperation with individual victims is as follows:

Permanent Interagency Coordination Council for Carrying out Measures Against Trafficking in human beings

The Strategy for Rehabilitation and Social Reintegration

of the (Statutory) Victims of Trafficking in human beings

*Tbilisi, July 2007*

#### Introduction

*The state shall promote prevention of trafficking in human beings, protection of human rights of (statutory) victims of human trafficking, their assistance and rehabilitation and shall implement measures to combat trafficking in human beings.*

*Law of Georgia on Combating Trafficking in human beings*

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Fighting against trafficking in human beings within the country, as well as outside Georgia along with the international community is one of the priorities of the Government of Georgia.

The Government of Georgia actively implements the measures aimed at preventing the trafficking in human beings, promoting the fight against it, effective investigating of this crime, prosecution of offenders, providing efficient support to the victims and their solid rehabilitation and social reintegration.

The aim of this strategy is to promote the firm rehabilitation and social reintegration of the victims of trafficking in human beings, stemming from their needs and available resources.

The rehabilitation activities for the victims of (statutory) victims of trafficking in human beings shall be carried out by the competent authorities of Georgian Government only on the basis of informed written consent of a victim of (statutory) victim of trafficking in human beings, through the close cooperation with the NGOs and international organizations operating in Georgia and their direct involvement in implementation of rehabilitation and reintegration measures.

The Strategy on rehabilitation and social reintegration may apply to the (statutory) victims of trafficking in human beings, whether or not they are in a shelter, and despite their willingness to cooperate with the law enforcement authorities.

#### Definition of Rehabilitation and Reintegration

For the purposes of this Strategy:

“Rehabilitation” shall mean:

Recovery of physical and mental health of the (statutory) victim of trafficking in human beings through the service, free medical and psychological assistance provided to him/her either in a shelter or outside of it.

“Reintegration” shall mean:

Dignified return of (statutory) victim of trafficking in human beings to his/her family and/or common social life, through the provided assistance, and raising level of his/her social functioning (gaining the skills, which will help him/her to find a job, etc.)

#### 1. Coordination of the rehabilitation and social reintegration activities for the (statutory) victims of trafficking in human beings

- 1.1. The Georgian authorities shall closely cooperate with the local NGOs and International Organizations to achieve the goals of rehabilitation and social reintegration of the (statutory) victims of trafficking in human beings.

While implementing the rehabilitation and reintegration programs, the State Fund for the Protection of and Assistance to (Statutory) Victims of Trafficking in human beings acts on behalf of the State; it is entitled to coordinate rehabilitation/reintegration activities.

- 1.2. In order to coordinate the activities in the field of rehabilitation and social reintegration of the victims of trafficking in human beings, the Fund once in three months holds meetings with the actors dealing with the rehabilitation and reintegration processes, sums up together with them the results of the previous quarter, discusses problematic issues and designs the plans for the next quarter.

#### 2. The actors dealing with the rehabilitation and social reintegration processes

- 2.1. In order to achieve the goals of the present Strategy, the process of rehabilitation and social reintegration of the (statutory) victims of trafficking in human beings shall be carried out on the basis of individual plans for the (statutory) victims of trafficking in human beings, by the following actors:

- a) The State Fund for the Protection of and Assistance to (Statutory) Victims of Trafficking in human beings;



- b) Local Non-Governmental organization;
- c) International organization;
- d) Social worker.

### 3. Drafting the individual plan for social reintegration of (statutory) victim of trafficking in human beings

- 3.1. The rehabilitation process starts from the moment of rendering the status of a (statutory) victim to a person.
- 3.2. Social reintegration measures for (statutory) victims of trafficking in human beings shall be carried out only on the basis of informed, written consent of the (statutory) victim of trafficking in human beings.
- 3.3. A social worker shall provide the assistance to the (statutory) victim of trafficking in human beings throughout the entire period of implementation of individual plan<sup>4</sup> drawn up in accordance with the relevant regulations.
- 3.4. The drafting of Individual Plan of Reintegration shall be conducted in two stages:
  - a) The initial plan of social reintegration shall be designed by the social worker and the (statutory) victim of trafficking in human beings; on the basis of this document, in agreement with the Fund, a social worker shall seek for the available resources and design the final individual plan of social rehabilitation together with the (statutory) victim of trafficking in human beings.
  - b) A social worker shall submit the individual plan of social reintegration to the Fund for approval. The final social reintegration plan shall be designed in agreement with the Fund, bearing in mind the available resources.
- 3.5. During the implementation, the social reintegration plan may change due to changes of needs of the (statutory) victim of trafficking in human beings or offered services that are envisaged in the plan. The modification of the plan shall be formalized in writing and approved by the signature of a social worker and a (statutory) victim of trafficking in human beings.

### 4. The role of the Fund in the process of rehabilitation and social reintegration of (statutory) victims of trafficking in human beings

- 4.1. The State Fund for the Protection of and Assistance to Statutory Victims of Trafficking in human beings shall guide the process of rehabilitation and reintegration of (statutory) victims of trafficking in human beings on behalf of the State.
- 4.2. The Fund, together with other actors leading the rehabilitation and reintegration process, shall elaborate the list of services promoting the rehabilitation and social reintegration of the (statutory) victims of trafficking in human beings.
- 4.3. The Fund shall receive on a quarterly basis (or when necessary) the written information from the actors ensuring the rehabilitation and social reintegration processes about changes in services provided by them for the purposes of rehabilitation and reintegration. After receiving and processing such information the Fund shall renew the list of services offered by NGOs and international organizations.
- 4.4. The renewed document shall be kept at the Fund and the copies shall be distributed to the social workers.
- 4.5. The Fund shall elaborate and fund (as resources permit) such services that form the final package of services necessary for the purposes of rehabilitation and social reintegration, together with the services provided by the local NGOs and international organizations.

### 5. Participation of a social worker in implementation of the individual plan of social reintegration

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<sup>4</sup> see, Annex 1, sample of the Individual Reintegration Plan

- 5.1. Social worker is a person who secures the services provided to the (statutory) victim of trafficking in human beings within the scope of the present Strategy; his/her activities are subject to state regulation provided for by the legislation. Social worker is an employee of the Fund.
- 5.2. A social worker, together with the (statutory) victim of trafficking in human beings, shall elaborate the individual plan of social reintegration. When elaborating the individual plan, the priorities shall be divided into two groups: a) necessary, and b) desired services.
- 5.3. In seeking the funds for services the priority shall be attached to the relevant services necessary for social reintegration. Within the scope of available resources the desired services for social reintegration can also be provided.
- 5.4. In order to receive the services referred to in the list of services provided by the local NGOs and international organizations, a social worker, in agreement with the Fund, shall request the provision of services from the relevant organizations on behalf of a (statutory) victim.
- 5.5. If the local NGOs and international organizations can not provide support in the implementation of necessary components of the individual social reintegration plan, the Fund shall consider financing of the implementation of given components from its own resources.
- 5.6. The service to be funded by the Fund shall be determined in accordance with the needs considered in the individual plan, and it may not exceed GEL 2,000 per (statutory) victim. The Fund makes a decision concerning financing the social reintegration service from its financial resources.

#### 6. The role of local NGOs and international organizations in the reintegration process

- 6.1. The local NGOs and international organizations shall participate in the social reintegration process within the scope of their programs and services, in accordance with the needs and requirements developed in the individual social reintegration plan jointly elaborated by the social worker and the (statutory) victim.

#### 7. The role of a social worker in the process of rehabilitation and social reintegration

- 7.1. The database on social workers shall be developed by the Fund.
- 7.2. After rendering the status of a (statutory) victim of trafficking in human beings, the Fund shall designate a social worker to the (statutory) victim, who, from this very moment starts working with the (statutory) victim, and at an initial stage identifies the primary rehabilitation needs for physical and mental recovery of the (statutory) victim.
- 7.3. Individual plan of social reintegration

The individual plan of social reintegration shall be developed in two stages:

- upon identification of reintegration needs by the social worker and the (statutory) victim of trafficking in human beings, the initial plan shall be designed;
  - after submitting the initial plan to the Fund, in agreement with the Fund and giving the due account to the available resources, the final individual plan of reintegration shall be developed, which determines the concrete services necessary for reintegration and identifies service provider organizations.
- 7.4. At the first stage a social worker shall explain to the (statutory) victim of trafficking in human beings the importance and need of social reintegration, also provide him/her with information regarding all necessary procedures on drafting the reintegration of individual plan. A social worker, on the basis of informed consent of the victim, together with the (statutory) victim of trafficking in human beings, shall identify the needs for social reintegration of the latter.

- 7.5. A social worker first shall submit the individual reintegration plan to the Fund. In agreement with the Fund a social worker shall make an appeal to the local NGOs and international organizations leading the rehabilitation and reintegration process to receive the service necessary for social reintegration.
- 7.6. After receiving the positive decision on provision of the certain service from the international and non-governmental organizations leading the rehabilitation and reintegration processes, including the funds, when necessary, provided by the Fund, a social worker, together with the (statutory) victim of trafficking in human beings shall elaborate the final individual social reintegration plan.
- 7.7. The individual action plan with the relevant time-table shall be developed by the social worker in accordance with the specially designed Guidelines on Individual Plans of Social Reintegration, approved by the Fund.
- 7.8. The individual plan of social reintegration shall be signed by the (statutory) victim and the social worker.
- 7.9. Social worker is responsible for effective application of funds and services assigned for implementation of the individual reintegration plan. Social worker shall submit the reports on a monthly basis to the Fund and service providers about expenditures and completed works.
- 7.10. The individual social reintegration plan has the term of implementation and it may not exceed 12 months.
- 7.11. After completion of social reintegration process – as the term of individual plan has been exhausted – a social worker shall have communication with the (statutory) victim on a regular basis, within the form agreed with him/her, time and method, fully observing the confidentiality of communication.
- 7.12. Ground for termination of individual social reintegration plan

The individual social reintegration plan may be terminated based on the following grounds:

- upon expiry of the term of reintegration program;
- by the Fund, upon written request of the (statutory) victim of trafficking in human beings (if the needs included in the rehabilitation plan have been changed, for example, marriage, etc.)
- By the Fund, upon gross and repeated violation of the implementation process of individual plan by the (statutory) victim.

#### 8. Monitoring of implementation of the individual social reintegration plan of the (statutory) victim of trafficking in human beings

- 8.1. A social worker is responsible for implementation of the individual plan. The monitoring over the implementation shall be exercised by the Fund, as well as international organizations and NGOs participating in the process of rehabilitation and social reintegration, within the scope of their competency.
- 8.2. In the process of monitoring the Fund is entitled to request from social worker information at any stage of implementation of the plan.

Annex #1

#### Individual Reintegration Plan

1. Time and date of registration \_\_\_\_\_ ;

2. (Statutory) Victim's encrypted name \_\_\_\_\_;
3. Date of assignment of a social worker \_\_\_\_\_ Number of relevant decision by the Fund \_\_\_\_\_;
4. Social worker's name, last name \_\_\_\_\_;
5. Information on the reintegration components and services:

#	Description of the components	Service provider	Important dates	Note
1				

6. We, the undersigned confirm that:

- a) this reintegration plan was jointly elaborated;
- b) the (statutory) victim stands ready to carry out the activities that are outlined in the plan;
- c) the social worker will assist the (statutory) victim in implementing the plan;
- d) the implementation of the plan will be terminated in case of failure or repeated violation of the activities considered under the plan by the (statutory) victim.

7. Signatures:

(Statutory) Victim \_\_\_\_\_

Social worker \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

The Plan has been approved by the Fund \_\_\_\_\_

Very important steps were undertaken to actively develop the practice of implementation of the National Referral Mechanism in Georgia and involve in this all the relevant state actors – as those operating within the Georgian territory *per as*, as well as the Georgian official missions abroad. Along with involving all the relevant state bodies in the active implementation of the National Referral Mechanism, very active cooperation was undertaken with the local non-governmental organizations and respective international organizations working in Georgia in the field of fighting against Trafficking in human beings.

The National Referral Mechanism represents a detailed guideline for effective cooperation of the state agencies, local NGOs and international organizations in the fight against THB. The National Referral Mechanism describes in easily understandable manner all issues related to supporting a victim of trafficking in human beings from the moment a person claims to be a victim of trafficking to the moment when the victim of trafficking, if he/she so wishes, safely returns to the country of origin.

#### --The National Victim Referral and Assistance Mechanism (NRM)

The National Referral Mechanism (NRM) was consistently implemented in every THB case identified in the reporting cycle. The National Strategy for Rehabilitation and Reintegration (SRR) of THB victims, adopted in July 2007, is the natural extension to the NRM. The NRM and SRR represent a detailed guideline for the effective cooperation of state agencies, local NGOs and international organizations in the identification of victims and the implementation of their assistance. The NRM covers procedures from the moment a person is identified or claims to be a potential victim of trafficking to the moment when the victim of trafficking is safely repatriated to their country or city of origin. It also determines procedures for victim assistance afforded through the Anti-THB law.

The NRM offers equal protection and assistance to THB victims regardless of whether they cooperate with law enforcement bodies. The NRM grants legal THB victim status to a potential victim through the Permanent Group established by the Coordination Council. The Permanent Group is composed of representatives of the GOG, including the Office of the Public Defender of Georgia, as well as non-governmental and international organizations and is charged with granting the legal status of THB victim based on the questionnaire, which can be filled in either by the Mobile Group (a mixed group of legal and psychological NGO professionals able to meet with a potential victim anywhere in Georgia at any time) or by the Permanent Group itself.

Persons granted THB victim status fall under a GOG protection mechanism through which they are accommodated in the shelter and receive assistance (e.g. victim assistance allowance, medical treatment, legal support, etc) provided by the Law.

• *Question 33:* Have any common criteria been defined in your internal law for granting the legal status of victim of THB? If so, please specify.

The Law provides THB victims with protection from the State, notwithstanding their willingness to cooperate with the law enforcement authorities. Namely, the Law on THB provides that there may be “victim of THB”, i.e. a person, identified as a victim of this crime, who incurred the moral, physical or material damage and who is recognized as a THB victim by the Permanent Group created at the Interagency Coordination Council. Thus, there may be persons, recognized as “THB victims”<sup>5</sup> by the Permanent Group, who shall be distinguished from the “statutory victims of THB”, i.e. persons, who are ready to reveal their cases to the law enforcement bodies and are recognized as THB victims in accordance with the Georgian criminal legislation.

A person will be placed in a shelter only if the status of victim of human trafficking is granted to him/her either by law enforcement bodies or by the Permanent Group, and only on the basis of his/her consent.

The National Referral Mechanism (NRM) was consistently implemented in every THB case identified in the reporting cycle. The National Strategy for Rehabilitation and Reintegration (SRR) of THB victims, adopted in July 2007, is the natural extension to the NRM. The NRM and SRR represent a detailed guideline for the effective

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<sup>5</sup> Please note, that the National Referral Mechanism has already been employed by the Permanent Group for granting a status of the “THB victim” in January, 2007. The decision was made by a group, composed of the judge, representatives of the Ministry of Justice and the Public Defender’s Office, the Member of the Parliament and the non-governmental organization.

cooperation of state agencies, local NGOs and international organizations in the identification of victims and the implementation of their assistance. The NRM covers procedures from the moment a person is identified or claims to be a potential victim of trafficking to the moment when the victim of trafficking is safely repatriated to their country or city of origin. It also determines procedures for victim assistance afforded through the Anti-THB law.

The NRM offers equal protection and assistance to THB victims regardless of whether they cooperate with law enforcement bodies. The NRM grants legal THB victim status to a potential victim through the Permanent Group established by the Coordination Council. The Permanent Group is composed of representatives of the GOG, including the Office of the Public Defender of Georgia, as well as non-governmental and international organizations and is charged with granting the legal status of THB victim based on the questionnaire, which can be filled in either by the Mobile Group (a mixed group of legal and psychological NGO professionals able to meet with a potential victim anywhere in Georgia at any time) or by the Permanent Group itself.

Persons granted THB victim status fall under a GOG protection mechanism through which they are accommodated in the shelter and receive assistance (e.g. victim assistance allowance, medical treatment, legal support, etc) provided by the Law.

A separate official category of THB victim exists, in addition to "statutory" victims, in the eyes of the GOG. This other category of victim (most of whom are also initially identified as "statutory"), must have their case reviewed and be granted status by the Permanent Group. The Permanent Group is a subset of the GOG's Anti-THB Coordination Council. The status of a victim is granted by the Permanent Group to an alleged THB victim and this opportunity is secured by the GOG for those alleged victims who may not wish cooperation with the law enforcement authorities. Thus, If an alleged victim does not want to cooperate with law enforcement agencies in investigating an alleged case of trafficking committed against him or her, a Permanent Group is the substitute state body, entitled to grant a status of a victim and thus enable him or her to receive State protection and assistance measures guaranteed by the Georgian legislation. Once this status through the victim identification procedure under the authority of the GOG's Anti-THB Coordination Council (see details on the Council, victim identification and assistance below) or a status of "statutory victim" is conferred, these victims are eligible to obtain state assistance from the State Fund for Victim Protection and Assistance (STATE FUND).

• *Question 34:* Which national authority(ies) grant(s) the legal status of victim of THB (for example, police forces, public prosecutor, judge, etc.)? Can such a decision be appealed?

Law enforcement authorities in charge of the criminal proceedings; Permanent Group. The Permanent Group is a subset of the GOG's Anti-THB Coordination Council. The status of a victim is granted by the Permanent Group to an alleged THB victim and this opportunity is secured by the GOG for those alleged victims who may not wish cooperation with the law enforcement authorities. Thus, If an alleged victim does not want to cooperate with law enforcement agencies in investigating an alleged case of trafficking committed against him or her, a Permanent Group is the substitute state body, entitled to grant a status of a victim and thus enable him or her to receive State protection and assistance measures guaranteed by the Georgian legislation. Once this status through the victim identification procedure under the authority of the GOG's Anti-THB Coordination Council (see details on the Council, victim identification and assistance below) or a status of "statutory victim" is conferred, these victims are eligible to obtain state assistance from the State Fund for Victim Protection and Assistance (STATE FUND).

• *Question 35:* Can a person be removed from your country during the process of identification as a victim of THB (for example, if he/she is present illegally)?

No

• *Question 36:* Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?

Granting a status of victim of THB by another party may be considered as additional information in the procedure of granting the status in Georgia. The status granted by another party may not be automatically transmitted.

• *Question 37:* Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.

All the protection mechanisms are effectively provided in practice. The Government of Georgia does provide sufficient funding for these actions. The funding of the State Fund, the primary responsible for protection and assistance is increased in 2009 and 2010 budgetary allocations, despite the general cut of funding for the state agencies.

The fact that the protections are provided in practice is constantly being witnessed by the NGOs and international organizations working in the field.

The efficiently operating National Referral Mechanism provides for a good background for the effective provision of assistance as prescribed by legislation.

The two state run shelters are 100% funded and operated by the Government of Georgia, as the GOG completely took over their support and running in 2008. The shelters provide the following services:

- i) secure place of residence with decent living conditions,
- j) food and clothing,
- k) medical aid,
- l) psychological counseling,
- m) 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),
- n) providing information in the language the victim understands,
- o) provision of the assistance of the lawyer in case of necessity,
- p) participation in long-term and short-term programs of rehabilitation and reintegration.
- q)

The second shelter doubles the GOG capacity to care THB victims for at any given time, and adds balance to THB victim assistance available in Eastern and Western Georgia.

The GOG allocated \$295,000 (USD) from the State Budget to the STATE FUND in 2009. State Fund's budget is set to increase again in the next year.

The State Fund also provides THB victims with a \$650 (USD) Victim Assistance Allowance, regardless of whether the victim cooperates with law enforcement authorities on their case. This Victim Assistance Allowance is provided by the GOG in addition to other services, including providing the shelter and medical, legal, psychological, other assistance as well as other rehabilitation and reintegration services. For the individual reintegration activities the GOG allocates minimum 1300 USD per victim.

Persons granted THB victim status fall under a GOG protection mechanism through which they are accommodated in the shelter and receive assistance (e.g. victim assistance allowance, medical treatment, legal support, etc) provided by the Law. The Ministry of Labor, Health and Social Protection provides all necessary medical assistance to THB victims.

Georgian law does not distinguish between foreign victims and citizens/residents of Georgia.

Citizens of different countries (mainly Central Asian) went through a course of serious psychiatric and medical treatment (under the observation of medical personnel.) They were ultimately safely repatriated according to their choice via the joint efforts of the State Fund, the Interagency Coordination Council, Georgian MFA, and IOM to

their countries of origin after receiving extensive care and treatment at one of the shelters. There was a Turkish citizen accommodate in the State shelter at the end of 2009.

Article 3 of the Law against THB explicitly outlines special mechanisms for the shelter, assistance, and rehabilitation of underage victims. The relevant provision declares that child victims shall be covered by the Child Convention of 1989 and guiding principles regarding treatment of children victims of trafficking adopted by relevant international organizations working on children's rights.

The Shelter is organized a manner that provides for easy accommodation of child victims, and the non-victim children of THB victims. Non-victim children of THB victims stayed in the shelter(s) with their parent(s) during the reporting period.

The care facilities and programs provided through shelters or outside them are for adults as well (including medical, legal, psychological, etc. care, as well as rehabilitation and reintegration services, including acquiring live hood skills, job skills, etc.).

The male victims are entitled to the equal care and treatment facilities and programs as female victims, based on special needs of every individual requiring such support. Male victims receive the equal treatment as females, based on their particular needs.

Any victim who wishes to receive government assistance can apply to the Permanent Group. Also, the SOD can refer any (statutory) victim to the Permanent Group or directly to State Fund for aid. Once the Permanent Group reviews the application and agrees that the victim is genuinely a THB victim, then the victim is eligible to receive all aid from the State Fund. The GOG provides all of the above aid to these THB victims, regardless of whether they reside in the shelters and regardless of whether or not they participate in the investigation of the person(s) who had trafficked them. The State Fund for THB Victim Protection and Assistance (STATE FUND), which assists victims of trafficking who cooperate with law enforcement and those who choose not to cooperate with law enforcement. State Fund oversees the two THB victim shelters in Georgia and coordinates government aid to victims (whether or not the victim chooses to stay in the shelter.)

The State Fund operates shelters. The shelters are 100% funded and operated by the GOG, as the GOG completely took over their support and running in 2008. The shelters provide the following services:

1. secure place of residence with decent living conditions,
2. food and clothing,
3. medical aid,
4. psychological counseling,
5. 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),
6. providing information in the language the victim understands,
7. provision of the assistance of the lawyer in case of necessity,
8. participation in long-term and short-term programs of rehabilitation and reintegration.

The second shelter doubles the GOG capacity to care THB victims for at any given time, and adds balance to THB victim assistance available in Eastern and Western Georgia.

The State Fund also provides THB victims with a \$650 (USD) Victim Assistance Allowance, regardless of whether the victim cooperates with law enforcement authorities on their case. This Victim Assistance Allowance is provided by the GOG in addition to other services, including providing the shelter and medical, legal, psychological, other assistance as well as other rehabilitation and reintegration services. The services are provided by the State Fund, even if a victim does not want to use the shelter for residence.



THB victims may choose to use the services provided by the Government of Georgia, or not. Those who chose to accept state support were provided with all types, including legal, medical, and psychological. The State Fund provides free legal assistance to victims of trafficking, including court representation in civil cases when victims claim compensation from established traffickers.

Free legal aid also exists for THB victims through Free Legal Aid Service of the Ministry of Justice.

A lawyer may also be hired by the State Fund to work civil case of compensation for a victim, whose trafficker had been convicted. There are solid arrangements made by the State Fund to provide free legal aid to all trafficking victims both in criminal and civil proceedings. Along with hiring the special staff and individual lawyers, the State Fund uses pro bono services of the legal firm as well.

Victims of human trafficking receive full, free medical assistance and treatment from the Ministry of Labor, Health and Social Protection of Georgia via existing medical and social programs.

In addition to providing all required health care and medical assistance to actual THB victims requiring such, the State Fund also ensured treatment for the children in the shelters who were accompanying their trafficked parents.

Georgian Legislation provides for the possibility for funding NGOs that are working on THB, although there is no record of this during the reporting period.

Partnership of the State Fund and NGOs in protection, support and rehabilitation of victims is a part of the GOG policy. Therefore the State Fund for Victim Protection and Assistance can provide funding to NGOs on a per-case basis for implementation of individual rehabilitation and reintegration strategies for victims.

Georgia is still largely a recipient of foreign aid. The GOG has contributed increasing amounts of its own money to combat THB and aid victims over the past five years. See the STATE FUND budget allocations above. End note.)

While the GOG does not currently provide funding to THB NGOs, the Permanent Interagency Coordination Council and the State Fund do maintain an excellent working relationship with most of them. Recent joint efforts of the Coordination Council with THB NGOs include: IOM (military, police training, repatriation efforts), ILO (prosecutors, judges, police) GYLA (public awareness campaigns and legal assistance), NGO Women for Future, and Tanadgoma, AVNG (addressing violence toward women).

Once someone is identified as a victim of trafficking in human beings, even if said person does not have identification documents, he/she cannot be deported from Georgia.

The Law provides that, first of all, Georgian citizens and foreign nationals - victims of human trafficking - are treated on an equal basis. Victims are freed from any prosecution for crimes and misdemeanors committed while being trafficked.

The Law on Legal Status of Foreigners provides that in case of a reasonable doubt that a person is a THB victim, they are issued a residence permit.

The Law expressly prohibits expulsion of a foreigner in case of a reasonable doubt that a person is a victim of trafficking.

In accordance with the Anti-THB law and the National Referral Mechanism, shelters are created to ensure the protection of the rights and legitimate interests of a victim as well as providing them assistance, rehabilitation, and full integration back into their family and society.

A victim is placed in the shelter only if the legal status of THB victim is granted to him/her and only on the basis of his/her consent.

The victim of human trafficking may be placed in the shelter whether he/she decides to cooperate, or not, with law enforcement authorities in the proceedings conducted into the crime in question.

The State Fund for THB Victim Protection and Assistance is responsible for operating the shelters. Additionally, any NGO or individual is entitled to establish a shelter in the form of a private, non-profit organization subject to approval by the STATE FUND that the shelter meets the requirements outlined by the Coordination Council and relevant Georgian legislation.

The Shelter provides the following services: secure place of residence with decent living conditions, food, clothing, medical aid, psychological counseling, 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 information in the language the victim understands, provision of a lawyer, participation in long-term and short-term rehabilitation, and re-integration.

A victim is placed in a shelter on the basis of an individual contract, taking into account the age, sex, and other special requirements. When entering the shelter, the victim undergoes a medical examination. The period of stay in the shelter equals to 3 months. The term can be extended up to six months and beyond in extreme cases. Victims may leave the shelter voluntarily at any time.

The shelter functions on the basis of internal regulations that are to be followed both by the victims and the staff. The violation of internal regulations may result into the termination of the contract.

The Government of Georgia's State Fund provides free legal assistance to victims of trafficking including court representation in civil cases for those suing for financial damages from convicted traffickers.

Victims receive free medical assistance and treatment from the Ministry of Labor, Health and Social Protection of Georgia via existing medical and social facilities. This ministry even provides necessary surgery, free of cost to the patient, to THB victims requiring such care.

THB victims also receive a cash Victim Assistance Allowance of \$650 (USD) from the STATE FUND to spend as they wish in their rehabilitation and reintegration efforts.

In addition to the shelter provided, GOG rehabilitation and reintegration actions may also include finding alternative accommodation for those who do not any more necessitate shelter accommodation and could re-enter life outside it, within the scope of the actions in the frame of reintegration and rehabilitation strategy.

Very important steps were undertaken to actively develop the practice of implementation of the National Referral Mechanism in Georgia and involve in this all the relevant state actors – as those operating within the Georgian territory *per as*, as well as the Georgian official missions abroad. Along with involving all the relevant state bodies in the active implementation of the National Referral Mechanism, very active cooperation was undertaken with the local non-governmental organizations and respective international organizations working in Georgia in the field of fighting against Trafficking in human beings.

The National Referral Mechanism represents a detailed guideline for effective cooperation of the state agencies, local NGOs and international organizations in the fight against THB. The National Referral Mechanism describes in easily understandable manner all issues related to supporting a victim of trafficking in human beings from the moment a person claims to be a victim of trafficking to the moment when the victim of trafficking, if he/she so wishes, safely returns to the country of origin.

- *Question 38:* Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.

None.

• *Question 39:* Does your state budget allocate specific funding for these assistance and protection measures? Please indicate the amount (in euros), the criteria for receiving such funding and who receives it. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?

Yes – the annual budget of the State Fund is approximately EUR 300,000.

• *Question 40:* Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.

#### **Article 12.**

##### **Deliberation Term (Reflection Period)**

4. A victim of trafficking in human beings shall be entitled to a 30-day deliberation term to decide whether he/she wants to cooperate with the law enforcement bodies in proceedings related to the given crime.
5. Countdown of the deliberation term starts from the date when the person addresses the Service Institution for the Victims of Trafficking in human beings (Shelter), law enforcement bodies or other relevant institution.
6. During the deliberation term the victim of trafficking in human beings shall not be subject to liability under Article 371 of the Criminal Code of Georgia.

• *Question 41:* What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention? Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.

Once someone is identified as a victim of trafficking in human beings, even if said person does not have identification documents, he/she cannot be deported from Georgia.

The Law provides that, first of all, Georgian citizens and foreign nationals - victims of human trafficking - are treated on an equal basis. Victims are freed from any prosecution for crimes and misdemeanors committed while being trafficked.

The Law on Legal Status of Foreigners provides that in case of a reasonable doubt that a person is a THB victim, they are issued a residence permit.

The Law expressly prohibits expulsion of a foreigner in case of a reasonable doubt that a person is a victim of trafficking.

In accordance with the Anti-THB law and the National Referral Mechanism, shelters are created to ensure the protection of the rights and legitimate interests of a victim as well as providing them assistance, rehabilitation, and full integration back into their family and society.

A victim is placed in the shelter only if the legal status of THB victim is granted to him/her and only on the basis of his/her consent.

The victim of human trafficking may be placed in the shelter whether he/she decides to cooperate, or not, with law enforcement authorities in the proceedings conducted into the crime in question.

• *Question 42:* Please describe how your internal law provides for the right of victims of THB to compensation. Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.

The law included both institutional and legislative mechanisms, such as:

- **Creation of the State Fund for Protection of and Assistance to THB Victims** (the purpose of the Fund is to ensure financing of THB victims' protection, assistance and rehabilitation measures as well as to pay compensation to THB victims, management and utilization of the property confiscated from traffickers);
- Determining the rule of providing one-off compensation from the State Fund to THB victims.

#### **Creation of the State Fund and the Shelter**

As already mentioned, the Law envisaged creation of State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in human beings. The State Fund provides the payment of compensation to victims of trafficking and finances their protection, assistance and rehabilitation measures. The Compensation amounts to 1,000 GEL per victim.

8. The purpose of the Fund is to grant compensation to (statutory) victims of trafficking in human beings as well as to finance their protection, assistance and rehabilitation measures.
9. Sources of income of the Fund are:
  - (e) state budgetary resources;
  - (f) resources received from international organizations;
  - (g) contributions from legal entities and natural persons;
  - (h) other income permitted under legislation of Georgia. (Article 9)

#### **Article 16. Right of the (Statutory) Victim of Trafficking in human beings to Reimbursement of Damages Incurred as a Result of the Crime of Trafficking in human beings**

3. The (statutory) victim of trafficking in human beings shall have the right to request reimbursement of moral, physical or material damages, which he/she incurred as a result of crime of trafficking in human beings, in accordance with Civil Procedure Code and the Criminal Procedure Code of Georgia.
4. Where it is impossible to reimburse damages incurred by a (statutory) victim of trafficking in human beings under paragraph 1 of this Article, he/she shall receive compensation from the Fund in accordance with the procedure established by the Georgian legislation.

THB victims may choose to use the services provided by the GOG, or not. Those who chose to accept state support were provided with all types, including legal, medical, and psychological. The STATE FUND provides free legal assistance to victims of trafficking, including court representation in civil cases when victims claim compensation from established traffickers.

A lawyer may also be hired by the State Fund to work civil case of compensation for a victim, whose trafficker had been convicted. There are solid arrangements made by the STATE FUND to provide free legal aid to all trafficking victims both in criminal and civil proceedings. Along with hiring the special staff and individual lawyers, the STATE FUND uses pro bono services of the legal firm as well.

• *Question 43:* Please describe the procedure established under your internal law for the repatriation and return of victims of THB.

2.State agencies responsible for the protection, assistance, rehabilitation and reintegration of the (statutory) victims of trafficking in human beings shall, in accordance with this Law and other legislative acts, cooperate with

international organizations, not-for-profit legal entities operating in Georgia and other civil society institutions, in order to: ensure legal protection and assistance of (statutory) victims of trafficking in human beings; ensure full secrecy of personal data of (statutory) victims and witnesses of trafficking; ensure protection of their privacy and personal security, safe repatriation and medico-psychological rehabilitation; elaboration and implementation of mechanisms for reimbursement of physical, moral and material damages incurred as a result of the crime of trafficking. (Article 17)

**Article 20. Status and Repatriation of Foreign (Statutory) Victims of trafficking in human beings**

8. The foreigners who are (statutory) victims of trafficking in human beings perpetrated on the territory of Georgia shall have the rights as envisaged for the (statutory) victims of trafficking in human beings by this Law.
9. A (statutory) victim of trafficking in human beings who is a foreign citizen or a stateless person shall be exempted from the liability for act envisaged by Article 185 of the Administrative Violations Code of Georgia.
10. It is impermissible to expel a foreigner from the territory of Georgia if there are reasonable grounds to believe that he/she may be a (statutory) victim of trafficking in human beings.
11. During the deliberation term (reflection period), a residence permit shall be issued to the person referred to in paragraph 1 of this Article by the Ministry of Justice of Georgia based on a motion of a Service Institution for the Victims of Trafficking in human beings (Shelter) or a body in charge of criminal proceedings. Identity-related information provided in the motion is confidential information disclosure of which is punishable under law. The relevant state body shall decide on classifying the information as confidential in accordance with procedure prescribed by the General Administrative Code of Georgia.
12. If the person referred to in paragraph 3 of this Article decides to cooperate with the law enforcement bodies in the process of criminal proceedings on the given crime, he/she shall be provided, in accordance with Georgian legislation, with a resident permit 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 Labor Code of Georgia.
13. After the expiration of the deliberation term or upon completion of the relevant criminal proceedings, the state shall take appropriate measures to safely return foreign (statutory) victims of trafficking in human beings to their country of origin.
14. After the completion of the relevant criminal proceedings, a foreign (statutory) victim of trafficking in human beings may, at his/her request, be granted asylum on the territory of Georgia if there are reasonable grounds to believe that his/her life, health or personal liberty will be under threat if returned to the country of origin.

**Article 21. Safe repatriation of citizens of Georgia or persons permanently residing in Georgia who have become (statutory) victims of trafficking in human beings**

3. Georgian consular services and diplomatic representations shall cooperate with the Ministry of Justice of Georgia and other appropriate state agencies of Georgia in order to issue, within shortest possible time, identification documents or one-time travel documents allowing to return to Georgia to (statutory) victims of trafficking in human beings and to ensure their safe return to Georgia.
4. For the purpose of the safe and voluntary return of (statutory) victims of trafficking in human beings, state agencies of Georgia shall cooperate with the appropriate agencies of foreign countries, international organizations and not-for-profit legal entities.

• *Question 44:* Does a person, repatriated to your country as a victim of THB, continue having victim status? If so, please specify on which grounds such recognition is made (for example, declaration of the victim). What assistance measures are envisaged for such persons after repatriation?

The status shall be granted to such a person in Georgia and in this case all the benefits apply to him/her equally.

• *Question 45:* What are the grounds for the victim status to come to an end:

**– victim status claimed improperly:**

- victim's refusal to co-operate with the authorities;
- return to the country of origin;

**– request of the victim:**

– other, please specify.

*Question 46:* Is THB subject to a single criminal offence in your internal law? If so, please provide (a translation of) the legal text(s) in English or French. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.

**The Criminal Code of Georgia, in Article 143<sup>1</sup> of the Criminal Code of Georgia (CCG), prohibits and punishes THB as noted above. Article 143<sup>2</sup> criminalizes the trafficking of a minor, and Article 143<sup>3</sup> criminalizes the use of a (statutory) THB victim's services. All three articles refer to the definition of exploitation as provided by the Council of Europe Convention.**

The Article criminalizing THB was introduced into Georgian Criminal Code in 2003. The Criminal Code provisions have been several times amended since. The Code provides for three different articles related to the THB: Art. 143<sup>1</sup> refers to the trafficking in adults, in general, whereas Art. 143<sup>2</sup> specifically criminalizes trafficking in minors. In addition, Art. 143<sup>3</sup> criminalizes services of trafficking victims.

Article 143<sup>1</sup> of the Criminal Code of Georgia is the country's seminal, comprehensive anti-trafficking provision.

The amendments of April 28 and July 25, 2006, to the Criminal Code of Georgia increased the sanctions for the crime of THB and introduced the criminal liability of legal persons for trafficking in human beings.

Georgian legislation criminalized trafficking in persons in 2003. After several amendments the formulation of the crime of trafficking in persons was brought in full compliance with the definition given in the Council of Europe Convention on Action against Trafficking in Human Beings that was ratified by the Parliament of Georgia on November 24, 2006.

The Criminal Code of Georgia does not differentiation between trafficking in persons for the purpose of labour exploitation and sex exploitation. The Code also covers both internal and trans-national forms of trafficking in persons. At the same time, trafficking in persons committed by taking a victim abroad is considered as one of the aggravated forms of the crime.

The Code provides for three different articles related to TIP: Art. 143<sup>1</sup> refers to the trafficking in adults, whereas Art. 143<sup>2</sup> criminalizes trafficking in minors (persons under 18). On May 8, 2007, the Parliament of Georgia introduced yet another amendment to the Criminal Code of Georgia – Article 143<sup>3</sup>, criminalizing use of services of a (statutory) victim of trafficking in persons. This Article entered into force on June 15, 2007.

With the amendments of April 28 and July 25, 2006, to the Criminal Code of Georgia sanctions for crime of TIP were increased and criminal liability of legal persons for trafficking in persons was introduced. Thus, minimum sanction provided by Art. 143<sup>1</sup> is deprivation of liberty for 7 years, whereas Art. 143<sup>2</sup> sets as a minimum sanction deprivation of liberty for 8 years. The maximum possible sanctions, provided by these articles are as follows: Art. 143<sup>1</sup> provides for 20 years of deprivation of liberty, whereas maximum sentence in aggravating circumstances, as prescribed by the Art. 143<sup>2</sup> is life sentence.

At the same time since June 20, 2006, the following amendments to the respective articles of the Criminal Code of Georgia (*hereinafter* - CCG) are in force:

1. *A TIP victim is exempted from criminal liability for illegal crossing of the state border, if he/she committed the said crime due to being the victim of trafficking in persons (Art. 344);*
2. *A TIP victim is exempted from criminal liability for production, purchase or use of the forged document, seal or form if he/she committed the said crime due to being the victim of trafficking in persons (Art. 362);*

3. *A TIP victim is exempted from criminal liability for refusing to testify as a witness or victim during the think-over period<sup>6</sup> (30 days) (Art. 371).*

In addition, with the amendment of December 29, 2006, a person in charge of a TIP shelter is exempted from criminal liability for concealing a fact of the crime of trafficking in persons from the law enforcement bodies (Art. 375, CCG).

Criminal Procedure Code envisages certain **additional protection measures in relation to victims of trafficking in persons**. These include: a right to a closed hearing of a criminal case on trafficking in persons, if a party to a case so requests (Art. 16 para. 4); a victim can not be interrogated as a witness during a time-period given to him/her as a reflection period (Art. 95 para. 2).

### **Amendments to the Code on Administrative Offences**

Since April 28, 2006, the following amendment to the respective article of the Code on Administrative Offences (Misdemeanour) (*hereinafter* - CAO) is in force:

1. A person deemed to be a victim of TIP under the Georgian Law on Fight against Trafficking in Persons and Criminal Procedure Code of Georgia is exempted from administrative responsibility for prostitution, if he/she acted so due to being the victim of trafficking in persons (Art. 172<sup>3</sup>, CAO).

Note to the Article 185 of the Code on Administrative Offences stipulates as follows:

"A victim of trafficking in persons is exempted from administrative responsibility for the violation of the rules of registration of Georgian citizens and foreign nationals residing in Georgia, if he/she violated these rules due to being the victim of trafficking in persons".

--Article 143<sup>1</sup> Criminal Code of Georgia (as amended in 2006)

1. Buying or selling of a person or subjecting him/her to other illegal deals, as well as enticing, conveying, hiding, recruiting, transporting, handing over, harboring 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, is punishable by deprivation of liberty from 7 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 1 year.

2. The same act committed:

- a) knowingly against a pregnant woman;
- b) knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender;

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<sup>6</sup> The so called Reflection Period: a TIP victim shall be entitled to a 30-day reflection period to decide whether he/she wants to cooperate with the law enforcement bodies in criminal proceedings related to the given crime. Reflection period starts on the date of application by an alleged TIP victim to the shelter, law enforcement body or other relevant institution. During the reflection period the TIP victim shall not be subject to criminal liability, as provided by the Art. 371 of the Criminal Code of Georgia.

c) through the abuse of power,

is punishable by deprivation of liberty from 9 to 14 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.

3. The same act committed:

a) repeatedly;

b) against two or more persons;

c) by taking the victim abroad;

d) by using violence threatening life or health of a person or by threat of such violence,

is punishable by deprivation of liberty from 12 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

4. The acts provided for in paragraphs 1, 2 or 3 of the present article:

a) committed by an organized group;

b) resulting in the death of a victim or other grave consequences,

are punishable by deprivation of liberty from 15 to 20 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

(Note: For the purpose of this Article and Articles 143.2 and 143.3 of this Code, exploitation shall mean the use of a person for forced labor or service, his/her engagement in the criminal or other anti-social conduct or prostitution, placement of a person under conditions similar to slavery or modern conditions of slavery, sexual exploitation or forcing provision of other services, as well as the use of a person for transplanting an organ, part of an organ, or tissue of a human body or otherwise utilizing him/her. The placement under modern conditions of slavery shall mean the deprivation of personal identification documents, restriction of the right to free movement, prohibition of contact with a family, including correspondence and telephone communication, cultural isolation, forced labor under the conditions degrading human honor and dignity and/or without any or adequate remuneration. The consent of a person on his intentional exploitation shall not be taken into consideration. End note.)

--Article 143<sup>2</sup> of the Criminal Code of Georgia Criminalizing Trafficking in Minors (as amended in 2006)

1. 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, harboring or receiving a minor for the purpose of exploitation,

is punishable by the deprivation of liberty from 8 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 1 year.

2. The same act committed:

a) through the abuse of power;

b) knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender,

is punishable by the deprivation of liberty from 11 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.



3. The same act committed:

- a) repeatedly;
- b) through coercion, blackmail or deception;
- c) against two or more minors;
- d) by taking the victim abroad;
- e) by using violence threatening life or health of a person or by threat of such violence,

is punishable by the deprivation of liberty from 14 to 17 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

The acts provided for in paragraphs 1, 2 or 3 of the present article:

- a) committed by an organized group;
- b) causing the death of a minor victim or other grave consequences,

are punishable by the deprivation of liberty for a term from 17 to 20 years, with deprivation of the right to occupy certain position or practice a profession for 3 years or life imprisonment.

• *Question 47:* Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention?

Yes. On May 8, 2007, the Parliament of Georgia introduced the final amendment to the Criminal Code of Georgia, criminalizing the use of services of a (statutory) victim of trafficking in human beings. The Law envisages deprivation of liberty from 4 to 15 years, as a sanction for committing this crime. The amendment – Article 143<sup>3</sup> of the Code entered into force on June 15, 2007.

--Article 143<sup>3</sup> Use of Services of a (Statutory) Victim of Trafficking in human beings (8.05.2007 N4706)

1. Knowingly using such a service of a (statutory) victim of the crime envisaged by Articles 143.1 and 143.2 of the [Criminal Code of Georgia], which is considered as exploitation within the meaning of Article 143.1 -

shall be punishable by the restriction of liberty for up to 4 years or by the deprivation of liberty from 3 to 5 years.

2. The same act committed:

- a. repeatedly,
- b. knowingly against a pregnant woman;
- c. knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender;
- d. through the abuse of power -

is punishable by deprivation of liberty from 5 to 7 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.

3. The same act committed:

a. against two or more persons;

b. by using violence threatening life or health of a person or by threat of such violence -

is punishable by deprivation of liberty from 7 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

4. The acts provided for in paragraphs 1, 2 or 3 of the present article committed by an organized group -

is punishable by deprivation of liberty from 12 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

• *Question 48:* Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB as provided for in Article 20c of the Convention?

Yes

• *Question 49:* Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22? What types of legal persons are subject to corporate liability for such offences?

Yes. Any type of legal person can be held liable for criminal offences established in accordance with the convention.

• *Question 50:* Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.

--Article 143<sup>1</sup> Criminal Code of Georgia (as amended in 2006)

1. Buying or selling of a person or subjecting him/her to other illegal deals, as well as enticing, conveying, hiding, recruiting, transporting, handing over, harboring 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, is punishable by deprivation of liberty from 7 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 1 year.

2. The same act committed:

a) knowingly against a pregnant woman;

b) knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender;

c) through the abuse of power,

is punishable by deprivation of liberty from 9 to 14 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.

3. The same act committed:

- a) repeatedly;
- b) against two or more persons;
- c) by taking the victim abroad;
- d) by using violence threatening life or health of a person or by threat of such violence,

is punishable by deprivation of liberty from 12 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

4. The acts provided for in paragraphs 1, 2 or 3 of the present article:

- a) committed by an organized group;
- b) resulting in the death of a victim or other grave consequences,

are punishable by deprivation of liberty from 15 to 20 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

(Note: For the purpose of this Article and Articles 143.2 and 143.3 of this Code, exploitation shall mean the use of a person for forced labor or service, his/her engagement in the criminal or other anti-social conduct or prostitution, placement of a person under conditions similar to slavery or modern conditions of slavery, sexual exploitation or forcing provision of other services, as well as the use of a person for transplanting an organ, part of an organ, or tissue of a human body or otherwise utilizing him/her. The placement under modern conditions of slavery shall mean the deprivation of personal identification documents, restriction of the right to free movement, prohibition of contact with a family, including correspondence and telephone communication, cultural isolation, forced labor under the conditions degrading human honor and dignity and/or without any or adequate remuneration. The consent of a person on his intentional exploitation shall not be taken into consideration. End note.)

--Article 143<sup>2</sup> of the Criminal Code of Georgia Criminalizing Trafficking in Minors (as amended in 2006)

1. 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, harboring or receiving a minor for the purpose of exploitation,

is punishable by the deprivation of liberty from 8 to 12 years, with deprivation of the right to occupy certain position or practice a profession for 1 year.

2. The same act committed:

- a) through the abuse of power;
- b) knowingly against a person in a helpless state or a person materially or otherwise dependent upon the offender,

is punishable by the deprivation of liberty from 11 to 15 years, with deprivation of the right to occupy certain position or practice a profession for 2 years.

3. The same act committed:

- a) repeatedly;
- b) through coercion, blackmail or deception;
- c) against two or more minors;
- d) by taking the victim abroad;
- e) by using violence threatening life or health of a person or by threat of such violence,

is punishable by the deprivation of liberty from 14 to 17 years, with deprivation of the right to occupy certain position or practice a profession for 3 years.

The acts provided for in paragraphs 1, 2 or 3 of the present article:

- a) committed by an organized group;
- b) causing the death of a minor victim or other grave consequences,

are punishable by the deprivation of liberty for a term from 17 to 20 years, with deprivation of the right to occupy certain position or practice a profession for 3 years or life imprisonment.

As provided above, The Criminal Code of Georgia, in Article 143<sup>1</sup> prohibits and punishes THB, Article 143<sup>2</sup> criminalizes the trafficking of a minor, and Article 143<sup>3</sup> criminalizes the use of a (statutory) THB victim's services.

The full relevant excerpt from the Code of Civil Procedure of Georgia is provided below. Before that quotation the following shall be mentioned:

Georgia's RICO law, adopted December 20, 2005 regulates fight against organized crime and Thieves in Law. This also refers to trafficking in human beings. It came into effect with a package of amendments which amended a Criminal Code and Amendment to the Civil Procedure Code to allow asset forfeiture of illegal property in possession of among others traffickers in persons. Entire process looks the following way: criminal investigation is launched-charges or indictment presented-freezing of assets based on prosecutor's motion in front of the Magistrate Judge- Trial-conviction-civil law suite to forfeit illicit property initiated by a prosecutor within 6 months from the sentencing hearing-civil forfeiture hearing-asset forfeiture. The same applies for Trafficking in human beings offenders, as outlined in the exact excerpt from the legislation, cited below.

When investigation has identified a suspect or a defendant, it requests a list of assets registered on this person's name and also gathers information if assets are registered in someone else's name but in fact are in ownership of the defendant. When enough proof is gathered, prosecutor files a motion with the Magistrate Judge with a request to freeze assets until the verdict is rendered. Judge reviews a motion with participation of parties. If defendant has fled, he can be represented by his defense attorney. Within 6 months following conviction, prosecutor shall file a law suite in the civil court to confiscate illicit (unexplained) assets of the convict.

In criminal cases, **where RICO law does not apply**, confiscation of proceeds of crime is based on a general rule of proving criminal origin of proceeds, where burden on proof is on the government (Article 52, paragraph 3 of the Criminal Code of Georgia.) The text of this provision see below. Civil forfeiture provisions are applied not only based on a RICO law, but also against following category of offenders: **corrupt public official, drug dealer, or a person who committed Trafficking in human beings or Money Laundering resulting in substantial financial profits.**

**Article 52. Deprivation of Property (28.12.2005, No2619)**

1. Deprivation of property means gratuitous transfer to the state of the instrument or/and arms of a crime, the instrument intended for commission of a crime or/and the property acquired in a criminal way.
2. Deprivation of the instrument or/and arms of a crime or the instrument intended for commission of a crime means gratuitous transfer to the state from the suspect, accused, defendant of the property in their ownership or lawful possession, used or otherwise intended for the commission of an intentional crime. The instrument or/and arms of a crime or the instrument intended for commission of a crime shall be deprived by court if the instrument of a crime or the instrument intended for commission of a crime is available and they need to be deprived out of national or public necessity or in the interests of the rights and freedoms of certain individuals or in order to prevent a new crime.
3. Deprivation of the property acquired in a criminal way means forfeiture to the state of the property received in a criminal way (all the instruments and intangible property as well as legal instruments affording a right to property) as well as any revenues from this property or the property equivalent in value to them. Deprivation of the property acquired in a criminal way shall be awarded by court for all the intentional crimes provided by this Code if proved that the property has been acquired in a criminal way.

***Amendment to the Criminal Procedure Code of Georgia relating to civil forfeiture in corruption cases***

***Article 37<sup>1</sup>. Prosecutor's Claim for Deprivation of Property and Transfer Thereof to State (4.07.2007, N5197)***

1. If a prosecutor has a reasonable cause to suspect the property is racketed or a member of the criminal world, a person trafficking in humans, a person abetting the spread of narcotic drugs or a person convicted under Subparagraph c) of Paragraph 3 of Article 194 of the Criminal Code of Georgia possesses unlawful or/and unfounded property, he shall file an action for deprivation and transfer to the state of the racketed, unlawful or/and unfounded property possessed by such persons as well as of the revenues, stocks (shares) generated from such property.
2. If a prosecutor has a reasonable cause to suspect that the official convicted of the crime sTHBulated in Paragraph 47 of Article 44 of this Code possesses unlawful or/and unfounded property, he shall file an action for deprivation and transfer to the state of the unlawful or/and unfounded property possessed by the official as well as of the revenues, stocks (shares) generated from such property.

***Article 44. Definition of Terms Used in this Code***

***Para 47: definition of Official (against whom criminal proceedings are conducted)*** – for the purpose of this Law means the official provided by Article 2 of the Law of Georgia “on Conflict of Interests and Corruption in Public Service”, a public servant, head or deputy head of a legal entity of public law, as well as a person having executive or/and representative authority in an enterprise where the state holds 50% of the share (stocks) or over, who is convicted of a crime of malfeasance or of a crime committed during his stay in the office against the official interests of an entrepreneurial or other organization, respectively, legalization of illicit income, extortion, misappropriation or embezzlement, tax evasion, violation of customs procedures, torture or threat of torture or inhuman or degrading treatment irrespective of whether he has been released from office or not. ***(4.07.2007, N5197)***

**Amendment to the Civil Procedure Code of Georgia**

**Article 356<sup>2</sup>** This Article grants authority to a prosecutor to file asset forfeiture lawsuit in a civil court, within 6 months of a guilty verdict against a racketeer, a member of thieves' brotherhood, corrupt public official, drug dealer, or a person who committed Trafficking in human beings or Money Laundering resulting in substantial financial profits.

Such a lawsuit can be filed not only against a person who is convicted of listed crimes, but also against their family member, close relative or associated person.

Article 356<sup>3</sup>

Under this article, judge makes a decision whether a property (**of a racketeer, a member of thieves' brotherhood, corrupt public official, drug dealer, or a person who committed Trafficking in human beings or Money Laundering resulting in substantial financial profits**) is obtained through racketeering, is illegal or is an unexplained wealth (undocumented property).

- a) **Property can be declared as resulting from racketeering** if evidence shows that it derives from racketeering, or is proceeds of racketeered property, is paid with money from racketeering activity, or there is no proof that this property could have been legally purchased by the racketeer, his family member, close relative or associated person.

Plaintiff needs to show evidence that property is from racketeering.

- b) **Property can be declared as Illegal Property** if based on relevant evidence court concludes that property, or money paid for property in question is obtained through violation of law.

Plaintiff needs to show evidence that property is obtained through violation of law.

- c) **Property can be declared as unexplained wealth (undocumented property)** if during case review respondent (defendant) could not show legal origin of property or money paid for this property; or evidence of relevant taxes paid for this property.

Respondent (defendant) needs to show evidence that this property(unexplained wealth) is documented and is legal.  
**In this case burden of proof is on a defendant, who has to prove that it was acquired from legal activity.**

## Article 356 (4)

If there is a suspicion that the property or assets (including bank accounts) possibly subject to confiscation can be hidden or expended, prosecutor may move a court with a request to arrest a property"

## Article 356 (5)

If illegality, or racketeering nature of property is proven only partially, respondent (defendant) carries a burden to prove legality of property in question. If property was expended or altered, defendant has to repay equivalent amount to the legal owner or the government.

Asset forfeiture proceedings can be conducted *in absentia*.

**Full text of above provisions from the Civil Procedure Code is provided below:**

Chapter XLIV<sup>1</sup>

**Procedures of asset forfeiture and transfer to state of a asset of a convicted racketeer, a holder of an official position, a thief in law, a person committing trafficking in human beings, a drug dealer or a person committing a crime under Article 194 paragraph 3(c) (4.07.2007 N5199)**

Article 356<sup>1</sup>. Definition of Terms

For the purpose of this Chapter the terms have following meaning:

- a) racket – not a one-off and organized action, with the purpose of systematic gain of income or other asset revenue, which is linked with the commission of intended crime (if criminal record is not annulled or cancelled), if this has been committed at least twice within five calendar years, in which term the time period of the racketeer's imprisonment and serving sentence does not count;
- b) racketeering gang – legal entity, as well as any association of private or/and legal persons linked to racketeering with its

activities.

c) a racketeer – a person, who independently or together with other(s) leads the activity of a racketeering group or otherwise participates in racketeering gang, and he is aware that this is a racketeering gang, and also who illegally resolves disputes in between racketeering gangs or a racketeering gang and other persons or participates in their resolution;

d) an official – a person holding official position, public servant, a head or a deputy head of a legal entity of public law, as well as a person entitled to represent a state enterprise (where state owns 50% or more of the shares) as identified under Article 2 of the Law on Conflict of Interests in the Public Service and Corruption, despite the fact whether he or she is dismissed from the post;

**e) A person committing trafficking in human beings – a private or a legal person or a group of persons, who have committed a crime envisaged by Article 143<sup>1</sup> or/and 143<sup>2</sup> of Criminal Code of Georgia;**

f) Drug dealer – a private or a legal person or a group of persons, who have committed a crime envisaged by Article 260 of the Criminal Code of Georgia (if purpose of drug distribution is proved) or by paragraph 4 of Article 261 (if purpose of distribution of Psychotropic Substance is proved) or any other especially grave crime envisaged by XXXIII Chapter of the Criminal Code of Georgia;

g) A person convicted in accordance with the paragraph 3(g) of Article 194 of Criminal Code of Georgia – a person who has legalized illegal assets, that was accompanied by gaining especially large assets;

h) A member of the thieves' brotherhood – any person, who recognizes the thieves' world and actively acts for the implementation of goals of thieves' world or a person who according to the special rules of the thieves' world manages or/and organizes thieves' brotherhood or certain group of people (thief in law) in any form;

i) family member – a spouse, underage child and a step-child of a racketeer, public official, member of thieves' brotherhood, trafficker in persons, drug dealer, or a person permanently residing with a person who has committed a crime envisaged by paragraph 3(c) of Article 194 of the Criminal Code of Georgia;

j) a close relative – a family member, direct up-stream and down-stream relative, a sister, a brother, as well as step children of a parent or of a child, sister, a brother and a parent of a spouse of a racketeer, an official, member of a thieves' world, **a human trafficker**, drug dealer, or a person convicted for a crime envisaged by paragraph 3(c) of Article 194 of the Criminal Code of Georgia.

k) a person related to a racketeer, a high official, a member of the thieves' world, a human trafficker, a drug dealer or a person convicted for a crime envisaged by paragraph 3(c) of Article 194 of the Criminal Code of Georgia – a person, who based on legal documentation owns a asset and there is a reasonable doubt that the asset is received as a result of racket or is acquired by a racketeer, official, a member of thieves' brotherhood, **a human trafficker**, a drug dealer or a person convicted for a crime envisaged by paragraph 3(c) of Article 194 of the Criminal Code of Georgia or/and the asset is used or discharged (or was discharged) by a racketeer, official, a member of the thieves' world, **a human trafficker**, a drug dealer or convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia;

l) a asset acquired through racket – a asset received through racket, an income from this asset, asset purchased with income received through racket, as well as an income, a asset, or an income from asset of a member of a racketeers' gang, a racketeer or a member of a racketeer's family member, a close relative or a person related to a racketeer, a prove of receiving which by legal means or any other prove does not exist;

m) a asset of a official – an income, a asset or an income from asset of a person related to official, his/her family member, close relative or official, prove of acquiring which through legal means or any other prove does not exist;

n) a asset of a member of thieves' brotherhood – income, asset or an income from property of a member of thieves' brotherhood, his/her family member, close relative or a racketeer or a person related to a member of thieves' brotherhood, legal purchase of which by legal means or any other prove does not exist;

**o) A asset of a trafficker in persons – an income, a asset or an income from asset of a trafficker in persons, his/her family member, close relative or a person related to a trafficker in persons legal purchase of which by legal means or**

**any other prove does not exist:**

p) an asset of a drug dealer – an income, a asset or an income from asset of a drug dealer, his/her family member, close relative or a person related to a drug dealer legal purchase of which by legal means or any other prove does not exist;

q) a asset of a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia – an income, a asset or an income from asset of a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, his/her family member, close relative or a person related to a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia legal purchase of which by legal means or any other prove does not exist;

r) illegal asset – a asset, as well as income received from this asset, shares, which are acquired by a racketeering gang, a racketeer, an official, a member of the world of the thieves, **a human trafficker**, a drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, his/her family member, close relative or a related person;

s) unproved (undocumented) asset – a asset, as well as an income (shares), legal purchase of which by legal means or any other prove is not available to a racketeering gang, a racketeer, an official, a member of thieves' brotherhood, **a trafficker in persons**, a drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, his/her family member, close relative or a related person or it is acquired by means of discharging illegal asset. (4.07.2007. N5199)

Article 356<sup>2</sup>. Initiating proceedings on depriving and transmitting to a state of a racketeering asset, a asset of an official, a member of the thieves' brotherhood, **a trafficker in persons**, drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia

1. Initiating proceedings on depriving and transmitting to a state of a racketeering asset, a asset of an official, a member of the thieves' brotherhood, **a trafficker in persons**, drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia may be undertaken by a prosecutor, within six months after a court decision with regard to racketeer, an official, a member of the thieves' brotherhood, a trafficker in persons, drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia enters into force.

2. Proceedings on depriving and transmitting to a state of a racketeering asset may be initiated against a racketeering gang, a racketeer, his/her family member, close relative or a person related to a racketeer.

3. Proceedings on depriving and transmitting to a state of a asset of an official may be initiated against an official, his/her family member, close relative or a person related to an official.

4. Proceedings on depriving and transmitting to a state of a asset of thieves' brotherhood may be initiated against a member of thieves' brotherhood, his/her family member, close relative or a person related to a member of thieves' brotherhood.

5. Proceedings on depriving and transmitting to a state of a asset of **a trafficker in persons** may be initiated against a trafficker in persons, his/her family member, close relative or a person related to a trafficker in persons.

6. Proceedings on depriving and transmitting to a state of a asset of a drug dealers may be initiated against a drug dealer, his/her family member, close relative or a person related to a drug dealer.

7. Proceedings on depriving and transmitting to a state of a asset of a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, his/her family member, close relative or a person related to a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia. (4.07.2007. N5199)

Article 356<sup>3</sup>. Recognition of a asset as a racketeering asset, recognition of a asset of racketeering gang, a racketeer, an official, a member of a thieves' brotherhood, **a trafficker in persons**, a drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, illegal and unproved (undocumented)

1. A judge recognizes a asset as racketeering, if in the course of proceedings, based on the study of the respective discovery, it is acknowledged, that a asset is received as a result of racketeering, it is an income from a asset received as a result of racketeering, is purchased with an income from racketeering or there is no prove of legality of receiving or any other prove.

2. Plaintiff shall provide to the court the evidence proving that respondent's asset is from racketeering.



3. Judge, in the course of proceedings, based on the evidence submitted shall declare illegal a asset or the means of purchasing a asset of a racketeering grouping, racketeer, a public official, a member of thieves' brotherhood, a trafficker in persons, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, their family member, close relative or a person related to a racketeer, a public official, a member of the thieves' brotherhood, a trafficker in persons, drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia is obtained through violation of requirements of law.

4. Plaintiff shall provide to the court the evidence proving that respondent's asset is from racketeering.

5. A judge shall declare asset of a racketeering grouping, racketeer, a public official, a member of thieves' brotherhood, a trafficker in persons, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, their family member, close relative or a person related to a racketeer, a public official, a member of the thieves' brotherhood, a trafficker in persons, drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia as unexplained wealth (undocumented asset) if in the course of proceedings respondent (defendant) is not able to submit to the court a prove of a legal origin of asset or money paid for this asset; or evidence of relevant taxes paid for this asset.

6. Respondent needs to submit to court evidence proving that his/her asset is documented and is legal. (4.07.2007. N5199)

#### Article 356<sup>4</sup>. Seizure of Assets

If there is an information that the asset or assets of a racketeering grouping, racketeer, a public official, a member of thieves' brotherhood, a trafficker in persons, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, their family member, close relative or a person related to a racketeer, a public official, a member of the thieves' brotherhood, a trafficker in persons, drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia may be hid or expended or otherwise given away, prosecutor shall move a court with a request to seize a asset, including bank accounts. (4.07.2007. N5199)

#### Article 356<sup>5</sup>. Legal consequences of recognizing a asset as racketeering, illegal or unproved (undocumented)

1. If a court has according to Article 356<sup>3</sup> of this Code recognized a asset as a racketeering asset or a asset of a racketeering grouping, racketeer, a public official, a member of thieves' brotherhood, a trafficker in persons, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, their family member, close relative or a person related to a racketeer, a public official, a member of the thieves' brotherhood, a trafficker in persons, drug dealer or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia – illegal or unproved (undocumented), such a asset after satisfying the interests of the third parties shall be submitted to its legal owner, and if it is impossible to establish who is a legal owner – to a state.

2. If a racketeering nature of a asset, or its illegality or undocumentedness is partially established, a legal owner of such a asset, and in case establishment of such a legal owner is impossible, a part of the asset, non-racketeering, legality or documentedness of which may not be proved by a respondent through court, shall be transmitted to a state.

3. If it is impossible to return racketeering, illegal or undocumented asset to its legal owner or a state in its initial condition, a respondent shall be responsible to repay the amount equivalent to the asset.

4. A court decision on transmitting racketeering, illegal or undocumented asset to a legal owner or state shall be executed in accordance with the Law of Georgia on Execution Proceedings. (4.07.2007. N5199)

#### Article 356<sup>6</sup>. *In absentia* decision

1. When considering cases of forfeiture of racketeering asset or assets of a public official, a member of thieves' brotherhood, a trafficker in human beings, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, when a racketeer, a public official, a member of thieves' brotherhood, a trafficker in persons, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, his family member, close relative or a person related to a racketeer, a public official, a member of thieves' brotherhood, a trafficker in human beings, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, are declared wanted, paragraph 1(c) of Article 233 of this Code shall not be applied.

2. A party, who has not appeared before the court, shall be sent a copy of a judgment *in absentia* within 5 days after it is rendered. A party is entitled to appeal an *in absentia* judgment in the appeals (cassation) court. A signature on appeals (cassation) pleading shall be confirmed by a notary or by a consular officer.

3. In the cases envisaged by paragraph one of this article rule established in Chapter VIII of this Code shall be used for transmitting a court notification to a party. (4.07.2007. N5199)

Article 356<sup>7</sup>. Criminal liability of a racketeer, a public official, a member of thieves' brotherhood, **a trafficker in human beings**, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia

1. If a court establishes that a racketeer, a public official, a member of thieves' brotherhood, **a trafficker in human beings**, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, his family member, close relative or a person related to a racketeer, a public official, a member of thieves' brotherhood, **a trafficker in human beings**, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia, possess illegal and undocumented asset and in the course of court proceedings in the acts of a racketeer, a public official, a member of thieves' brotherhood, a trafficker in persons, drug dealer, or a convict for crime envisaged by the paragraph 3(c) of Article 194 of the Criminal Code of Georgia signs of criminal actions are identified, a prosecutor shall initiate criminal prosecution against such a person.

2. In the case envisaged in paragraph one of this Article legal proceedings shall be conducted according to the Criminal Procedure Code. (4.07.2007. N5199)

• *Question 51:* Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?

Yes.

• *Question 52:* Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as provided for in Article 26 of the Convention.

Since June 20, 2006, the following amendments to the respective articles of the Criminal Code of Georgia are in force:

*A THB victim is exempted from criminal liability for illegal crossing of the state border, if he/she committed the said crime due to being the victim of trafficking in persons (Art. 344);*

*A THB victim is exempted from criminal liability for production, purchase or use of the forged document, seal or form if he/she committed the said crime due to being the victim of trafficking in persons (Art. 362);*

*A THB victim is exempted from criminal liability for refusing to testify as a witness or victim during the think-over period<sup>7</sup> (30 days) (Art. 371).*

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<sup>7</sup> The so called Reflection Period: a TIP victim shall be entitled to a 30-day reflection period to decide whether he/she wants to cooperate with the law enforcement bodies in criminal proceedings related to the given crime. Reflection period starts on the date of application by an alleged TIP victim to the shelter, law enforcement body or other relevant institution. During the reflection period the TIP victim shall not be subject to criminal liability, as provided by the Art. 371 of the Criminal Code of Georgia.

In addition, with the amendment of December 29, 2006, a person in charge of a THB shelter is exempted from criminal liability for concealing a fact of the crime of trafficking in persons from the law enforcement bodies (Art. 375, Criminal Code of Georgia).

Criminal Procedure Code envisages certain **additional protection measures in relation to victims of trafficking in persons**. These include: a right to a closed hearing of a criminal case on trafficking in persons, if a party to a case so requests (Art. 16 para. 4); a victim can not be interrogated as a witness during a time-period given to him/her as a reflection period (Art. 95 para. 2).

• *Question 53:* Does your internal law provide for the initiation of legal proceedings by the victim and/or *ex officio* (for example, by the public prosecutor)?

Both.

• *Question 54:* Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? Please specify the conditions for this participation as well as their legal status during these proceedings.

NGOs can represent victims, be third parties, if needed.

• *Question 55:* Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.

The Government provides two mechanisms of protection of victims and witnesses in trafficking cases:

**a.** protection of witnesses who are at the same time victims of trafficking by placing them in specially created shelters under the State Fund for Protection and Assistance to the Victims of Trafficking in Persons.

**b.** protection of witnesses by the law enforcement under the Witness/Victim Protection Procedures in accordance with the Criminal Procedural legislation.

**a. Protection in Shelters:** In case of placing victims/witnesses in the shelter, the government and NGOs closely cooperate in providing decent living conditions, rehabilitation and reintegration activities for victims of trafficking in persons. Arranging a temporary housing (shelter) for victims of trafficking is one of the key functions for the Fund. However, the NGOs are taking active part in both – providing shelters with appropriate equipment, staff, different rehabilitation and reintegration programs. The purpose of arranging shelters is to protect the rights and interests of victims of trafficking, provide age-appropriate assistance, rehabilitation and reintegrate into families and society. Shelters are structural units of the Fund. However, the Law provides that any natural or legal person is entitled to establish a shelter in a form of a private non-profit legal entity, provided that a shelter meets the standards established by the Georgian legislation. Therefore, any non-governmental organization upon a will could establish a shelter for victims of trafficking subject to reservation regarding general standards, which are rather of technical character and are aimed at granting equal treatment and assistance to all victims of trafficking (standards are mainly made in relation to quality of services, nutrition and social care).

The first state-funded shelter for victims of trafficking in persons started operation in summer of 2006. The shelter is located in West Georgia. The second state-sponsored shelter was opened in September, 2007 and is primarily covering east part of Georgia. Thus, the existing shelters are located in such a way as to be easily reachable from different points of Georgia and fully cover all regions of the country. The shelters can accommodate both – children and adult witnesses/victims of trafficking in persons. The NGOs are involved in both – providing shelters with necessary equipment and programs, as well as providing staff running the shelter.

A shelter functions on the basis of Internal Regulations that are to be followed both by the victims and the staff. It provides:

- a. Secure place of residence with decent living conditions;
- b. Age-appropriate food and clothes;
- c. Full medical aid, including hospital treatments and surgeries, if needed;
- d. Psychological counseling;
- e. Legal aid and court representation (provision of assistance of a lawyer in case of necessity including filing complaints, appearing in court proceedings as a witness, requesting asylum, obtaining documents for voluntary repatriation to the country of origin).
- f. Provision of information in a language a victim understands;
- g. Participation in the long-term and short-term age-appropriate recreational activities and programs of rehabilitation and reintegration. These include age-appropriate education programs, professional skills-gaining and support in finding employment, when relevant.

A victim shall be placed in a shelter on the basis of an individual's consent, taking into account the age, sex and other special requirements. Placement of a victim of trafficking in a shelter is not dependent on whether he/she cooperates with the law-enforcement authorities in the proceedings into the crime in question. When entering the shelter, a victim undergoes medical examination. The period of stay in the shelter shall be 3 months. Extension of the term is possible. A victim may leave the shelter voluntarily before the term expires.

Security of the shelter shall be protected in any manner, including keeping in secret its location.

State Fund provides 24/7 security through special security services and protection of the shelters where the victims of trafficking are located. Police may accompany the TIP victims in case of need.

Also, as mentioned above, location of the Shelters is confidential and everyone involved in relationships with a victim is obliged by Law to keep all the relevant data confidential.

Ministry of Education ensures security services for all the institutions that serve children victims of any violence or children at risk.

**b. Protection by Law Enforcement:** If the Police involve witnesses in the special protection programs of the witness protection, the Police undertake all the related protection measures in accordance with the criminal procedure legislation.

Ministry of Interior can use special protection measures for the victims of trafficking who have acquired the status of an statutory victim under criminal law procedure or qualify as a witness in criminal case, which include not only physical protection, but also relocation, change of identity and appearance of victims.

Chapter XIV of the Criminal Procedure Code of Georgia regulates the application of special measures of protection of victims and witnesses.

Along with other legislative guarantees, the Criminal Procedure Code ensures the safety of victims and witnesses, among them victims of trafficking in persons. Provision of special measures of protection is crucial to warrant that they have the ability and confidence to give evidence. Under the legislative amendments to the Criminal Procedure Code dated 2005, set of protective measures have been introduced for the protection of witnesses and victims in the criminal proceedings. In accordance with Article 109<sup>1</sup> of the Criminal Procedure Code, the judge (court) has the right to apply one or several measures of protection (from the initiation of the investigation till the end of hearing of the case in the court) upon petition of the prosecutor:

- 1) Change or withdraw information identifying witness or victim (like name, last name, address, work place or information regarding workplace) from Public Registrar or other Public Institution;
- 2) Classify as confidential procedural or aforementioned information regarding identification of the victim or witness;

- 3) Grant pseudo-name;
- 4) Special measures of protection against physical abuse.

Prosecutor has also the right to apply the following measures of protection with respect to both victims and witnesses, in particular:

- 1) Special measures of protection against physical abuse;
- 2) Temporary or permanent change of place of residence;
- 3) Change of appearance.

According to the relevant provisions (Article 109<sup>2</sup> of the Criminal Procedure Code of Georgia), the motion shall be justified by one or several of the following grounds:

- The criminal case deals with the action, public hearing of which will substantially damage the private life of the participant in the proceeding;
- Making public the identity of the participant in the proceeding and his/her involvement in the case significantly endangers his/her life, health, property, or the life, health, or property of his/her relative;
- The participant in the proceeding depends on the defendant;
- The life or health of the participant in the proceeding is at real risk.

The Georgian criminal legislation (Article 109<sup>3</sup> of the Criminal Procedure Code of Georgia) contemplates the appealing procedure with regard to the court decision on the application of the measure of protection – it may be appealed once together with the final decision on the case.

It should be mentioned that questions regarding the implementation of special protective measures are considered in a closed court session (Article 109<sup>3</sup> of the Criminal Procedure Code of Georgia). Besides, decisions related to measures of this category are not declared publicly (Article 109<sup>5</sup> of the Criminal Procedure Code of Georgia). The state shall bear costs for implementing the special protective measures for participants in the criminal proceedings (Article 109<sup>1</sup> of the Criminal Procedure Code of Georgia). Consequently, the Georgian legal system establishes important guarantees with respect to this matter.

**Also, Articles 14 and 15 of the law combating trafficking defines: “Legal Protection of (Statutory) Victims of Trafficking in persons**

10. Access to justice is guaranteed to (statutory) victims of trafficking in persons in the manner prescribed by the legislation of Georgia.
11. Law enforcement bodies shall immediately explain to the (statutory) victim of trafficking in persons that he/she has the right to address the Service Institution for the Victims of Trafficking in persons (Shelter).
12. Law enforcement bodies and a Service Institution for the Victims of Trafficking in persons (Shelter) shall provide the (statutory) victims of trafficking in persons with full information on Georgian legislation on trafficking in persons.
13. The investigator, prosecutor and judge shall inform the statutory victim of trafficking in persons, in his/her native language or in a language he/she understands, of his/her rights and legal status as well as provide information on matters relating to the investigation and criminal proceedings.
14. In the criminal proceedings, the state shall provide the statutory victim of trafficking in persons 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.
15. (Statutory) victim of trafficking in persons may receive free legal aid and in-court representation from Service Institution for the Victims of Trafficking in persons (Shelter) or other natural person or legal entity having relevant authorization, in accordance with procedures established by the Georgian legislation.
16. The statutory victim and witness as well as persons providing legal protection and assistance to them shall 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.

17. Identity, address and other personal data of (statutory) victims and witnesses of trafficking is confidential information and its disclosure is prohibited except in cases envisaged by law.
18. 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.

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

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

<sup>1</sup> Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client (see paragraphs 229 to 236 of the Explanatory Report of the Convention).

<sup>12</sup> GRETA(2010)1