

Determinants of Anti-Trafficking Efforts



Determinants of Anti-Trafficking Efforts

Case Study: Georgia

This report is published as part of the 'Determinants of Anti-Trafficking Efforts' Project. The project assesses the links and sequencing of specific factors that have yielded improved political will and capacity in national governments to address trafficking in persons and which have led to sustained and comprehensive anti-trafficking efforts. Through a multi-pronged approach, this project will conduct a review/meta-analysis of the current research and contribute a new data-set through expert interviews, a first of its kind global survey and a series of 14 case studies.

More information including the project outputs are available at:

<https://www.biicl.org/projects/determinants-of-anti-trafficking-efforts>

Report Author: Tamar Tomashvili, Tina Goletiani, Tina Burjaliani, National Research Consultants

Report Published: June 2022

Gift of the United States Government



Table of Contents

Executive Summary	1
Introduction	3
Context	5
Determinants of anti-trafficking efforts	18
Particulars of determinants by type of response	23
Particulars of determinant by form of exploitation	31
Particulars of determinants according to perpetrator profile	35
Focus: Enhanced Identification, Detection and Prevention of THB via institutionalized mechanisms	36
Focus: Recognition and Coordinated Response to Labour Exploitation of Street Children	39
COVID-19	41
Conclusion.....	43

Executive Summary

Georgia's efforts against THB started in 2003. Criminalization of THB was followed by the adoption of the Law Combatting Trafficking in Persons and National Action Plans on Fight against Trafficking in 2006. Georgia's endeavours and policies in fight against THB has ever since been characterized with fluctuations.

As a primarily a source country and, to a lesser extent, a transit and destination country for sex trafficking and forced labour, 2012 inclusive, Georgia was allocated to Tier 1 by the US Department of State, fully complying with the minimum standards for the elimination of trafficking. This however changed in 2013, when due to lack of progress, particularly in relation to identification and prosecution of instances of THB, the country was demoted to the Tier 2. Following particular efforts addressing shortcomings, Georgia returned to Tier 1 in 2016 and from thereon remains there. This report presents a comprehensive analysis of determinants of anti-trafficking efforts in Georgia. Assessment includes those determinants that control the progress as well as ones serving as a hinderance for advancement.

Overarching conclusion regarding positive determinants is that Georgia's policies and practices against THB are largely determined by its international legal obligations, which are directly associated with the country's political aspiration of Euro-Atlantic integration. This requires Georgia to uphold its reputation as a country respecting rule of law and protecting human rights.

Hence, Georgia shows particular susceptibility to pressure from international actors. Positive development observed is that the Government does not overlook or discount challenges and criticism, rather they serve as precursors for further actions.

Against this backdrop, the Report identified as a general operational factor that there is a political will and a strong ownership of the process of ensuring fighting against THB among national stakeholders. Reflation of this is seen in strategy documents, timely implementation of action plans, etc.

On the other hand, as principal hindering factors, the Report identified declining political attention to the topic of THB in Georgia. The reason behind this could be mounting number of other salient criminal and social challenges. Report also accentuated on the lack of financial and human resources, particularly in relation to rehabilitation and health-care services and availability of social workers. Finally, it was identified that dynamic nature of the crime of trafficking and its online proliferation, further complicates effective investigation. This was particularly relevant to the period of pandemic and lockdown that was introduced in the country.

Overall, Georgia has functional legislative and institutional framework and human capital to ensure effective fight against THB. Prioritization of the issue of THB is directly connected

to external inducement especially in relation to developing a long-term vision with the introduction of proactive measures and steps.

Introduction

Georgia's path to fight against Trafficking in Human Beings (THB) commenced in 2003 with the criminalization of THB and followed with the adoption of the Law Combatting Trafficking in Persons in 2006. Since then, its policies and practices against THB have been largely determined by country's international legal obligations. Throughout this cycle, international partners and local civil society have played a key role as advocates for a policy change.

In the last decade, Georgia continued, albeit with some fluctuations, strengthening its legislative and institutional framework related to combatting trafficking in human beings. Major weaknesses, however are demonstrated in the enforcement of the legislation pointing to the limited willingness of the authorities to take real and efficient measures. Georgia is willing to react to and implement recommendations provided rather than act proactively. Such approach has had negative influence on the effectiveness of detecting and investigating incident of trafficking – a crime “hidden in plain sight.” Decline in number of investigations resulted in Georgia's demotion to the Tier 2 by the US Department of State in Trafficking in Persons Report in 2013 (TIP Report).

This negative development served as a precursor for action, positively provoking national stakeholders in Georgia to reboot the process. It took three years and significant efforts from the authorities to demonstrate the progress. Hence, the key positive developments evolve around Georgian Government's effort to return to and retain Tier 1 in the TIP Report.

Last decade, also coincided with Georgia's joining of the Council of Europe Convention on Action against Trafficking in Human Beings and signing of the Association Agreement with the European Union, creating additional layers of obligations in fight against THB.

Accordingly, the reforms stemming out of these obligations, shifted emphasis on prevention through establishing and/or enhancing the specialized units at the Ministry of Internal Affairs (such as Mobile Groups at Criminal Police Department and the Task Force in Adjara at Criminal Police Department) and the Labour Inspection at the Ministry of Health, Labour and Social Affairs. These efforts produced tangible results of increased number of investigations and prosecutions.

Another significant achievement has been recognition of the need and the coordination of efforts to address labour exploitation of street children – a challenge that had been overlooked for a long time and perceived as an isolated problem.

Both positive developments, as well as any other progress made in combatting human trafficking in Georgia were largely determined by external factors – recommendations made by international partners that produced echoes among local non-governmental stakeholders.

On the positive side, the Inter-Agency Coordination Council on Fight against Trafficking emerged as a national driving force that is determined to retain general and overarching ownership of the processes.

As to the methodology used to prepare the Report, in order to identify determinants of anti-trafficking efforts in Georgia mixed methodology was used. It included two components: (i) desk review, and (ii) 15 Semi-structured interviews and 2 Focus Groups.

The desk review process included assessment of Georgia's legislation, policy/strategy documents and action plans, along with the reports prepared by relevant international partners and organizations as well as civil society. As for the semi-structured interviews and focus groups, participants were selected individually based on their profile, working experience or contribution to the anti-trafficking efforts. Namely:

- The selected 15 interviewees represented mid-level Government officials, representatives of international organizations and CSOs active in fight against THB;
- The members of the Focus Group 1 included representatives from the law-enforcement institutions specializing in THB, covering both mid-management and operational level. The Focus Group 2 comprised of representatives of international and non-governmental organizations active in anti-trafficking efforts.

All participants were personally contacted and informed of the modalities by the national research consultants as well as asked to feel out appropriate consent form. The responses during the Semi-Structured Interviews and Focus Groups have been coded and appear in numeric numbers within the Report while used during the descriptive narrative.

Context

Legal Framework on Fight against Trafficking in Human Beings

This part of the report briefly describes the applicable legal framework and Georgia's participation in international, regional and bilateral mechanism and networks on fight against trafficking in human beings.

The **2014-2020 Human Rights Strategy** is a key human rights policy document adopted by the Government (apart from the Constitution) that explicitly acknowledges state's obligation "to ensure protection from ... and trafficking..." along with "effective identification of victims of trafficking and provision of the adequate assistance," whereas the Inter-Agency Council on Fight against Trafficking adopts bi-annual Action Plans since 2006.¹ The Action Plan on Fight against Trafficking a described below represents practical implementation tool of the Human Rights Strategy.

Action Plans on Fight against Trafficking - Georgia has been adopting National Action Plans on Fight against Trafficking since 2006, which are drafted by and formally adopted by the Inter-Agency Council one in every 2 year. They are structured to reflect the so-called "4 Ps Principle" covering following issues:

- Policymaking in the area of combating THB;
- Prevention of the crime of THB;
- Protection of victims of the THB;
- Effective prosecution of the crime of THB;
- Capacity building of the staff working on THB issues;
- Cooperation and coordination.

These general goals are then broken down to specific objectives and particular actions assigned to the implementing agencies and partner institutions. The National Action Plan also provides indicators for measuring progress of implementation for each action and timeline for this implementation.²

¹ Text of the 2014-2020 Human Right Strategy is available on the following web-site <http://myrights.gov.ge/en/About%20us/news/reports/About%20us/news/My%20Rights/Briefly%20on%20Human%20Rights/About%20us/My%20Rights/useful-links/Policy%20Documents/National%20Human%20Rights%20Strategy/>

² See for example the latest National Action Plan for Fight against Trafficking in Human Beings 2021-2022 available at <https://justice.gov.ge/files/YBKNDy64sqe3.pdf>

The *Law on Combatting Trafficking in Human Beings (hereinafter the Anti-Trafficking Law)* has been adopted by Georgia in 2006 and amended several times to bring it into compliance with Georgia's international obligations.³ It explicitly recognizes 4Ps and designates state institutions responsible for implementation measures for each P – prevention, protection, prosecution and partnership. The Law has prescribed creation of (i) the State Fund for Protection and Support for the Victims of Trafficking – now known as the Agency for State Care and Assistance to Victims of Trafficking, as well as (ii) the Inter-Agency Council of Fight Against Trafficking in Human Beings. The Law introduces two notions of victims and provides for one-time compensation in the amount of 1000 GEL:

- Status of a victim determined by the Standing Task Force of the Inter-Agency Council, whereas the victim becomes eligible to benefit from state services (i.e. shelter, legal aid, etc.) without being obliged to cooperate with the law-enforcement authorities;
- Status of a victim in criminal proceedings (aka injured person) that is granted by the law-enforcement authorities. The injured person can benefit from the same services as the victim granted the status by the Standing Task Force.

Criminal Legislation – since 2003, the Criminal Code of Georgia criminalizes trafficking in human beings. More specifically, in 2003, provisions criminalizing trafficking in human beings were introduced in the Criminal Code of Georgia (CCG), namely, Articles 143¹ and 143² - criminalizing trafficking of adults and children. The anti-trafficking provisions of the Criminal Code were amended and supplemented in 2006 and 2007, leading to significantly increased sanctions for the crime of trafficking. Article 143³ on the criminalization of the use of services of victims of trafficking – introduces liability for legal persons. Notably, the UNODC Model Law on Trafficking in Persons uses Georgian criminal code as a good example in terms of THB legislation.⁴ The Criminal Procedure Code of Georgia envisages certain supplementary protection measures in relation to victims of trafficking, such as:

- A victim cannot be interrogated as a witness during a time-period given to him/her as a reflection period (i.e. to decide whether s/he want to cooperate with the law-enforcement authorities), and
- A right to a closed hearing of a criminal case on trafficking human beings, if a party to a case so requests.⁵

Some other **key legislative developments** during the reporting period (2010-2020) related to adoption of:

³ Text of the Law of Georgia on Combatting Trafficking in Human Beings is available at <https://matsne.gov.ge/en/document/view/26152?publication=9>

⁴ UNODC Model Law against Trafficking in Persons, V.09-81990 (E), p.22. https://www.unodc.org/documents/human-trafficking/UNODC_Model_Law_on_Trafficking_in_Persons.pdf

⁵ Article 50 and 182 of the Criminal Procedure Code of Georgia.

- Law on Labour Inspection that monitors entities in order to uphold labour and safety standards including provisions prohibition of force labour and trafficking;⁶
- Amendments to the Criminal Code of Georgia defining the term exploitation and dependence on a person within articles criminalizing trafficking. Amending pimping, engagement in prostitution and engagement of a child in making and selling of pornographic images;⁷
- Law on Legal Status of Aliens and Stateless Persons that regulates granting of temporary residence permits to victims of trafficking;⁸
- Updated rules on one-time compensation for victims of trafficking (i.e. granting of compensation dependent on designation of the person as a victim/injured person).⁹

Georgia's International Obligations		
#	Treaties	Mechanisms
Universal	<ol style="list-style-type: none"> 1. UN Convention on Transnational Organized Crime and its Protocol of Prevent, Suppress and Punish Trafficking In Persons; 2. Convention on the Rights of the Child 3. ILO Conventions (C029, C100, C105, C138 and C182). 	<ol style="list-style-type: none"> 1. Universal Periodic Review 2. CRC Committee
Regional	<ol style="list-style-type: none"> 1. CoE Convention on Action against Trafficking in Human Beings 2. CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse 	<ol style="list-style-type: none"> 1. GRETA 2. Lanzarote Committee 3. CDENF
Bilateral	<ol style="list-style-type: none"> 1. EU-Georgia Association Agreement 2. US-Georgia Strategic Partnership Charter 	<ol style="list-style-type: none"> 1. Association Council 2. Partnership Council

⁶ Text of the Law on Labor Inspection available at: <https://matsne.gov.ge/ka/document/view/5003057?publication=0>.

⁷ Note to Article 143¹ of the Criminal Code of Georgia.

⁸ Text of the Law on Legal Status of Aliens and Stateless persons available at: <https://matsne.gov.ge/ka/document/view/2278806?publication=13>.

⁹ Decision of the Inter-Agency Council of Fight against Trafficking 28/04/2021 available at <https://justice.gov.ge/files/5rv2KkhrTrC4.pdf>.

Institutional Framework on Fight against Trafficking

This part of the report briefly describes institutional mechanisms and government agencies/organs as well as external stakeholders that are engaged in fight against trafficking in Georgia.

The *Human Rights Council and Human Right Secretariat*, chaired by the Prime Minister of Georgia, is an inter-agency mechanism tasked with the elaboration and implementation of unified state policy in human rights via adoption of Human Rights Strategy and its respective bi-annual Action Plan.¹⁰ As the Human Rights Council is composed of Ministers and Heads of relevant institutions, the Human Rights Secretariat conducts operational management of the processes: drafting of the policy documents and action plans, daily coordination and monitoring of the implementation.¹¹ Although the Inter-Agency Council on Fight Against Trafficking in Human Beings has a lead role (as described below), the Human Rights Council inquires into implementation of bi-annual Action Plan on Fight Against Trafficking due to it being part of Georgia's Human Rights Strategy and Action Plan.

The *Inter-Agency Council on Fight against Trafficking in Human Beings (hereinafter the Inter-Agency Council)*, established in 2006, is the lead coordinating institution on anti-trafficking issues in Georgia.¹² It has broad mandate (i) to coordinate Government's actions aimed at prevention, protection prosecution and partnership spheres, as well as (ii) to monitor and analyse Governmental efforts along with ongoing situation in order to adopt appropriate intervention strategies. The Minister of Justice of Georgia chairs the Inter-Agency Council whereas the Public Department of the Ministry of Justice of Georgia serves as the Secretariat. The Secretariat is in charge of drafting bi-annual Action Plan, monitoring implementation and making internal assessment through Progress/Monitoring Reports, as well as coordinating Working Groups and initiatives with international/donor/CSO community. The Inter-Agency Council is composed of relevant governmental institutions (Ministries, legal entities of public law, etc.), including independent human rights institution - the Office of the Public Defender of Georgia (the Ombudsperson) along with the invited members, i.e. international organizations, donors and civil society representatives (see list below).

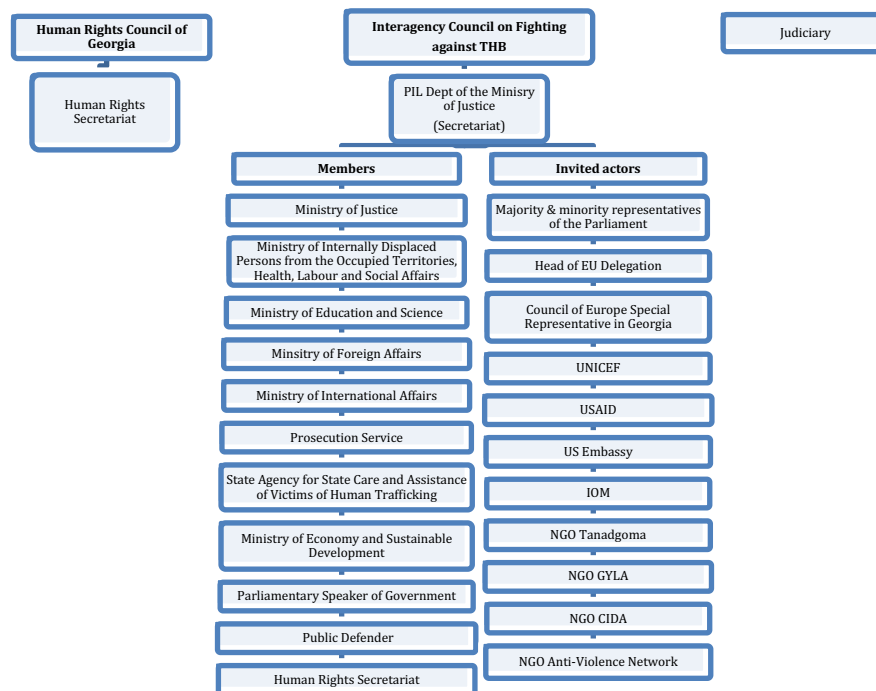
¹⁰ Government of Georgia Order N551 on Establishing an Inter-Agency Human Rights Council (13/12/2016) available at <https://matsne.gov.ge/ka/document/view/3465313?publication=0>.

¹¹ Composition of the Human Rights Council available at <http://myrights.gov.ge/en/About%20us/news/reports/About%20us/news/My%20Rights/Briefly%20on%20Human%20Rights/About%20us/My%20Rights/About%20us/news/reports/About%20us/news/My%20Rights/Briefly%20on%20Human%20Rights/About%20us/Human%20Rights%20Council/>.

¹² Presidential Decree N534 on Inter-Agency Council on Fight Against Trafficking in Human Beings in Georgia (01/10.2006) as amended by the Government Decree N281 (10/04/2014) available at <https://matsne.gov.ge/document/view/2316707?publication=0>.

The Inter-Agency Council is explicitly tasked by the Anti-Trafficking Law to (i) create Standing Task Force; (ii) regulate the State Funds (now the Agency) Standards (iii) adopt National Referral Mechanism and (iv) determine modalities for compensation to victims of trafficking.

- **National Referral Mechanism:** the NRM, which has been in place since February 2007, covers the procedures from the moment a potential victim is identified as a victim of trafficking to the moment a victim is safely returned to his/her country or city of origin. It further complements the mandate of separate institutions involved in prosecution and protection components, by defining steps to be undertaken.
- **The Status Task Force** established under the Inter-Agency Council is mandated to review the appeal by a potential victim to be granted the status of the victim under the Law on Combatting Trafficking in Human Beings, that would allow the person concerned to benefit from various services (shelter, healthcare, legal aid, etc.).



The **Ministry of Internal Affairs (hereinafter MoIA)** is the institution that is mandated to investigate criminal cases related to trafficking in human beings via its:

- Specialized **Anti-Trafficking and Illegal Migration Unit** under the Central Criminal Police Department.¹³ Anti-Trafficking Unit has representation Tbilisi and Batumi as

¹³ Minister of Internal Affairs Order N71 on adoption of the Statute of the Central Criminal Police Department (16/08/2019) available at <https://info.police.ge/uploads/6009d8856aa79.pdf>

well as Mobile/Task Groups). Anti-Trafficking Unit is responsible for gathering operative data and investigation of cases of trafficking. In addition, the **Mobile Tasks Groups** mandated to check entities (in collaboration with the Labour Inspection) as well as inform representatives of risk groups of potential threats function under the Anti-Trafficking Unit of Criminal Police Department of MoIA.

- **Human Rights Protection and Investigation Quality Monitoring Department** established in 2019, is mandated to oversee investigation of specific list of human rights related crimes (monitor internally and if necessary issue guidance), including trafficking in human beings and trafficking in minors.

The **Prosecutor's Office of Georgia** (hereinafter **the PoG**) is responsible for overall supervision of investigations by the MoIA territorial organs as well as for bringing charges (indicting) against perpetrator. The Department Supervising Criminal Police Department of the Ministry of Internal Affairs is mandated with supervision and prosecution of criminal cases related to trafficking in human beings via its specialized prosecutors. The **Human Rights Unit** of the PoG is mandated to (i) oversee good faith implementation of the human rights related obligations by the prosecutors in course of implementation of their mandate, including the prosecution of the criminal cases related to trafficking in human beings and (ii) analyse prosecutorial practice in order to improve prosecutorial policy.

The **Ministry of IDPs, Labour, Health and Social Affairs of Georgia** (hereinafter **the MoHLSA**) is a Ministry mandated to provide adequate services to victims of trafficking via **LELP Agency for State Care and Assistance to Victims of Human Trafficking**, established in 2006 and formerly known as a State Fund for Assistance to Victims of Trafficking (hereinafter **the Agency for Victims of Trafficking**).¹⁴ The **Agency for Victims of Trafficking** provides the victims of trafficking with following services: free of charge shelters and crises centres, legal aid, medical assistance, psycho-social assistance and rehabilitation, etc. There are:

- Two shelters for statutory victims of trafficking – one in Tbilisi (capital of Georgia) and one in Batumi (big port city nearby Turkey with the highest number of cases of trafficking), i.e. victims who has been designated (granted the status) of as a victim by the Status Task Force under the Law on Combatting Trafficking in Human Beings or granted the status of a victim/injured person by the law-enforcement authorities in criminal proceedings;
- Five crises centres in Tbilisi, Kutaisi, Gori, Ozurgeti and Marneuli. Crises centre provide shelter as well as legal, medical and psychologist assistance to potential victims (who have not be designated as statutory victims during first 48 hours or granted

¹⁴ Government Decree N58 on adoption of the renewed mandate of the Legal Entity of Public Law the Agency for State Care and Victims of Trafficking (29/01/2020) available at http://atipfund.gov.ge/res/docs/saagentos_debuleba_2020.pdf

status of victim/injured person in criminal proceedings) as well as any victim who does not want to remain within shelters.

The **Labour Conditions Inspection Department** (hereinafter **the Labour Inspection**), established in 2015, supervises working conditions and forced labour in Georgia, as well as carries out inspections of occupational safety norms any time (24 hours) without prior notice or court’s permission.¹⁵ It has preventive role in detecting and responding to incidents of trafficking, whereas the Labour Code of Georgia provides mechanisms for sanctioning identified cases of forced labour and trafficking in workplaces.¹⁶

In terms of **judiciary**, the Common Court of Georgia (City Courts, Courts of Appeal and Cessation) adjudicate over the trafficking cases. Although there are no specialised criminal judges who only oversee trafficking cases, in Tbilisi and Batumi cases are assigned to a judge with extensive training in trafficking, gender and children’s rights (so its *de facto* specialisation).

The **Office of the Public Defender of Georgia** (the Ombudsperson) is a Constitutional independent human rights institution in Georgia mandated with monitoring implementation of human rights and freedoms by state institutional and private individuals/entities.¹⁷ It has a broad mandate including *inter alia*, to monitor implementation by State institutions Georgia’s international obligations, to review individual complaints as well as criminal cases, and to issue (i) Parliamentary and Special Report and (ii) recommendations to specific State institutions.¹⁸

International Organizations and Donors	NGO Community
United Nations (UNODC and UNICEF) CoE Office in Tbilisi European Union (EU Technical Assistant Project to Support Fight against Organized Crime) UN Embassy in Georgia (ANL and Political Sector) International Organization for Migration	Georgian Young Lawyer Association (GYLA) International Center for Migration Policy Development (ICMPD) Anti-Violence Network Tanadgoma Initiative for Social Changes

Availability of Data

¹⁵ See new Law of Georgia on Labor Inspection (05/10/2020) 7178-IS; Organic Law of Georgia on Occupational Safety Standards (19/02/2019) 4283-IIS.

¹⁶ Organic Law of Georgia – Labor Code of Georgia (17/12/2010) 4113-RS.

¹⁷ Article 35, Constitution of Georgia; Organic Law of Georgia on Public Defender.

¹⁸ For further references please visit following website <https://www.ombudsman.ge>.

The website of the Inter-Agency Council (Ministry of Justice) provided statistic data on annual basis with respect to (i) crime of trafficking in human beings (Art.143¹ of the Criminal Code of Georgia) and (ii) crime of trafficking in minors (Art. 143² of the Criminal Code of Georgia) based on forms of exploitation (sexual exploitation, labour exploitation and buying/selling):

- Number of initiated investigations;
- Number of persons charged;
- Number of guilty verdicts;
- Number of convicts;
- Number of victims;
- Number of victims in criminal proceedings (granted status of injured person).

Statistics of Criminal Investigations

	THB (adults)						THB (minors)					
	Sexual exploitation		Labour exploitation			Sexual exploitation			Total			
Year	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	
Trafficking investigations	12	12	2	2	0	0	0		21	21	21	
Prosecution	3	0	0	0	0	0	0	23			27	
Cases taken to court	3	0	0	0	0	0	0					
Cases sentenced	3	1	0	0	0	0	0					
Convicted persons	4	1	0	0	0	0	0					
Victims	2	0	0	0	0	1	0					
Statutory Victims	4	0	2	0	0	0	0	23			29	

Although publicly available data does not provide analysis in other dimension (i.e. gender, age and nationality), the Secretariat of the Inter-Agency Council has access to such information through criminal case management system of the Prosecutor's Office of Georgia.¹⁹

The Agency for the Victims of Trafficking provides annual statistic data regarding the number of beneficiaries (segregated – adult and minor) of shelter, compensation and hot line on its website.²⁰

Notably, the Chapter on Fight against Trafficking in Human Beings within the Annual Progress Report on Implementation of the Human Rights Action Plan of Georgia provides following data:

- Information regarding initiated investigations, number of prosecutions and convictions;
- Number of entities visited and persons (members of the risk group) interviewed by the Mobile Task Forces of MoIA, as well as potential findings/results.²¹

Snapshot of International Rankings

Even though within the reporting period Georgia has experienced fluctuation in its success in fighting human trafficking, its efforts have been largely assessed as positive and efficient.

As a primarily a source country and, to a lesser extent, a transit and destination country for women and girls subjected to sex trafficking,²² and for men and women subjected to conditions of forced labour,²³ 2012 inclusive, Georgia was categorized as a Tier 1 country by the US Department of State, fully complying with the minimum standards for the elimination of trafficking.

Analysis of 2010-2012 US Department of State TIP Reports (hereinafter TIP Report(s)) shows that in this period, the main concern related to **more effective and proactive methods detection and identification of potential trafficking victims and increase of efforts to investigate**

¹⁹ Interview with K.

²⁰ The data is available on the following web-site: <http://atipfund.gov.ge/geo/static/8>

²¹ See for example Annual Progress Report on Implementation of Annual Human Rights Action Plan of Georgia (2019) pp. 216-228, available at <http://myrights.gov.ge/uploads/files/docs/5726HRAPAnnualReport-2019.pdf>

²² Female participation in trafficking in persons, in the Southern Caucasus peaks above 70 per cent Global Report on Trafficking in Persons, 2012, UNODC, available at: https://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf p. 54.

²³ Until 2018, the majority of the identified victims were women trafficked for the purpose of sexual exploitation, but in 2019 all identified victims were Georgian children, trafficked for the purpose of production of child sexual abuse images or exploitation of begging. Third Evaluation Report, Georgia, GRETA(2021)02, 16 March 2021, available at: <https://rm.coe.int/greta-report-on-the-implementation-of-the-council-of-europe-convention/1680a1c79a> p. 4.

and prosecute suspected trafficking cases.²⁴ Another set of recommendations related to ensuring funding to NGOs to provide services to victim and reintegration, as well as continuing implementing awareness-raising campaigns about the existence of human trafficking, legal recourse, and available protection services, targeted at vulnerable groups.

GRETA underscored the same concerns during the examination of the Report concerning the implementation of the Convention by Georgia, in the framework of the first evaluation round in 2011.²⁵ GRETA noted that **there was the significant reduction in the number of prosecutions and convictions for trafficking in human beings since 2010.**

Thus, in absence of significant improvements, in 2013 Georgia demoted to the Tier 2 by the US Department of State for 3 years as not fully complying with the minimum standards for the elimination of trafficking. The main rationale behind this move was mainly related to the **decrease in law-enforcement efforts, with fewer suspected trafficking offenders being investigated and prosecuted** than in previous years.²⁶ Moreover, victim identification remained a challenge, with slightly fewer trafficking victims officially recognized.²⁷ In addition, TIP Reports, referring to experts, accentuated on a possible decline of political will in the country since 2010.²⁸

Hence, Georgia was called upon to **increase efforts to investigate and prosecute suspected trafficking cases, implement proactive methods to detect and identify potential trafficking cases (labour and sex trafficking) and victims.** Moreover, it was recommended that the country draws particular attention to anti-trafficking efforts in Adjara province, assigning police with specialized training to participate in raids of suspected brothels.

The novel recommendation related to children. In particular Georgia was advised to ensure that children who are subjected to forced begging and vulnerable to commercial sexual exploitation are not inadvertently criminalized or punished for crimes committed as a direct result of their being trafficked; ensure children in prostitution are properly identified as trafficking victims.

In 2016 Georgia returned to Tier 1 and stays there to date. Thus, Georgia as of today fully meets the minimum standards for the elimination of trafficking. As noted by 2016 and 2017

²⁴ Reports are available at: <https://2009-2017.state.gov/j/tip/rls/tiprpt/index.htm>

²⁵ Recommendation CP(2012)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia 13 November 2012, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631c08>

²⁶ In 2010, the government initiated 11 trafficking investigations of 18 individuals, compared with 12 investigations of 33 individuals initiated in 2009. In 2011, the government initiated 16 trafficking investigations involving 18 individuals. Authorities prosecuted and convicted five sex trafficking offenders in 2011, an increase from one offender convicted in 2010. Investigations fell from 16 in 2011 to seven in 2012.

²⁷ Trafficking in Persons Report 2013, available at: <https://2009-2017.state.gov/j/tip/rls/tiprpt/countries/2013/215467.htm>

²⁸ Trafficking in Persons Report 2014, available at: <https://2009-2017.state.gov/documents/organization/226846.pdf>

TIP Reports, Georgia demonstrated serious and sustained efforts in fighting trafficking in human beings among others by adopting the 2017-2018 national action plan and continuing proactive investigations and screening of vulnerable populations for trafficking indicators. Moreover, the government increased the anti-trafficking capacity of its law enforcement through funding an **unprecedented number of trainings for police, prosecutors, judges, and shelter operators**. Finally, the government implemented a **child referral mechanism** expanding the pool of actors participating in proactive victim identification and provided free identification documents to vulnerable street children.²⁹

This progress was also documented by Global Slavery Index 2018 report.³⁰ Georgia's rating was upgraded from BB to BBB.³¹ The country was ranked 13th (in 2016 it ranked 18th) based on a **total score by countries in Europe and Central Asia. This put Georgia as the only FSU State in top 20.**³² State also showed strong standing in relation to **vulnerability to modern slavery. Georgia ranks 17.** It is the best result among the FSU countries, except Baltic States.³⁴ Georgia also improved in terms of estimate absolute number of victims. In 2018 the number stood at 17,000 victims³⁵, while in 2016 – it amounted to 20,900³⁶.

Notwithstanding the progress showed, both the US TIP reports and GRETA identified following areas where efforts and improvements are required. These are: (1) identifying victims proactively, particularly individuals in commercial sex, child laborers and/or homeless children, and Georgian and foreign victims in vulnerable labour sectors; and (2) increasing resources to plan intelligence and evidence-led law enforcement operations with victim-centered approaches.³⁷

In addition, Georgia was asked to (3) improve measures to order restitution for victims; (4) encourage victims' participation in investigations and prosecutions through victim-centred court procedures and (5) increase awareness-raising campaigns about the existence of trafficking, legal recourse, and available protection services.³⁸ Moreover, as the focus of the

²⁹ Trafficking in Persons Report 2017, available at: <https://www.state.gov/reports/2017-trafficking-in-persons-report/> ;

³⁰ The Global Slavery Index 2018, available at: <https://downloads.globalslaveryindex.org/ephemeral/GSI-2018-Chapter-5-regional-findings-p-1648275751.pdf> p. 93.

³¹ Id., p. 98

³² The Global Slavery Index 2016, available at: <https://downloads.globalslaveryindex.org/ephemeral/GSI-2016-Full-Report-1648277063.pdf> p. 70.

³³ The Global Slavery Index 2018, p.99.

³⁴ The Global Slavery Index 2018, p. 95.

³⁵ The Global Slavery Index 2018, p. 94.

³⁶ The Global Slavery Index 2016, available at: <https://downloads.globalslaveryindex.org/ephemeral/GSI-2016-Full-Report-1648277063.pdf>

³⁷ Recommendation CP(2016)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia 23 May 2016, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680654cd9>

³⁸ Trafficking in Persons Reports of 2020 and 2021, available at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/georgia/> and <https://www.state.gov/reports/2021-trafficking-in-persons-report/georgia/>

third evaluation round of the Convention of Europe Convention on Action against Trafficking in Human Beings focused on trafficking victims' access to justice and effective remedies, Georgia was requested to **facilitate and guarantee access to compensation for victims of trafficking** by introducing a procedure through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial; take additional measures to ensure that THB cases lead to effective, proportionate and dissuasive sanctions and are not re-qualified as other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation; make additional efforts to prevent and combat THB for the purpose of labour exploitation.³⁹

Georgia, in its final comments to the Third Report, did not discard or decline any of the recommendations put forward by GRETA. Rather, the Government used this format to provide additional information regarding its activities or clarify legislative and practical aspects of measures taken to fight against THB.⁴⁰

Information related to Occupied Territories of Tskhinvali Region and Abkhazia

As a consequence of armed conflicts in early 1990s, Georgia ceased to exercise effective control over Autonomous Republic of Abkhazia and Autonomous District of South Ossetia. Following the invasion of Russian armed force in August 2008, these regions fell under effective control of the Russian Federation and were consequently designated as occupied territories.⁴¹ Georgia maintains *de jure* jurisdiction over the occupied territories and expands state services and protection to individuals therein, as much as practically feasible. While Georgia and the international community consider the Russian Federation as an occupying power responsible for the protection of human rights, the latter refuses to perform its duties referring to these territories as independent states.⁴²

In practice, Georgia's ability to implement its international obligations as well as national legislation on the occupied territories is extremely limited. There is no separate anti-trafficking policy document related to the occupied territories or a chapter in the Human Rights Strategy or Actions Plans. A representative of the Public Defender of Georgia confirmed in her interview that this issue has not been on the agenda of the Inter-Agency Coordination Council.⁴³ Though, it is official policy of the Government of Georgia that civilian population

³⁹ See Recommendation CP/Rec(2021)03 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia 4 June 2021, available at: <https://rm.coe.int/recommendation-cp-rec-2021-03-on-the-implementation-of-the-council-of-/1680a2bc3a>

⁴⁰ Comments of the Government of Georgia available at: <https://rm.coe.int/greta-report-on-the-implementation-of-the-council-of-europe-convention/1680a1c79a>, pp. 46-53.

⁴¹ Law of Georgia on Occupied Territories, 23/10/2008, 431 available at <https://matsne.gov.ge/ka/document/view/19132?publication=8>

⁴² Georgia v. Russian Federation II, Application No. 38263/08, Judgment of January 21, 2021 available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-207757%22%5D%7D>

⁴³ Interview N8.

residing in occupied territories are citizens/nationals of Georgia and could benefit from state funded services.

With respect to trafficking in human being, there has been an incident of two females (Ukrainian nationals) - victims of labour trafficking in the occupied region of Abkhazia that fled to the territory controlled by the Georgian authorities. They have been identified as trafficked, stayed at state funded shelter and benefited from relevant services, before returning safely to Ukraine.⁴⁴ There have been also rumours regarding victims of labour trafficking from Africa, Turkey and North Korea in Abkhazia, Georgia with no further information to follow up.⁴⁵

⁴⁴ Interview N2.

⁴⁵ Interview N11.

Determinants of anti-trafficking efforts

Primary Factor (Positive): Georgia's Euro-Atlantic Aspirations and Display of a Political Will to maintain a Prestige as a Human Rights Abiding State

Political will and readiness of Georgia to combat trafficking in human beings primarily stems from the country's motivation and determination to abide by its international obligations (in area of human rights) as a part of its Euro-Atlantic aspirations i.e. becoming a full-fledged member of western democracy that respects rule of law and human rights.⁴⁶ Most importantly, there is a shared understanding among national stakeholders, international/donor community and NGOs that for Georgia its reputation as a human rights abiding State is interlinked with its image on international arena as a country that aims at becoming a member of the European Union and NATO and thus complying with the high standards set by these institutions.⁴⁷

Another facet of this aspiration is to attract more foreign investors and enhance the country's tourism potential, by establishing its stance as a stable and safe State with well-functioning rule of law and State institutions.⁴⁸

In this context, fight against trafficking in human beings, as a form of modern slavery is an integral part of county's fight against organized crime, which is a topic high on the agenda with two principal partners of Georgia: the European Union and the United States of America. Namely,

- EU - Georgia Association Agreement explicitly mentions cooperation on combating and preventing trafficking in human beings as a transnational crime (Article 17);⁴⁹
- United States – Georgia Charter on Strategic Partnership;

For Georgia, such partnerships are also linked to financial assistance from both - European Union and partner countries, including *inter alia* in form of direct budgetary support programs.⁵⁰ There is a clear understanding that in absence of due implementation of these commitments and obligations, engagement in comprehensive cooperation by and financial

⁴⁶ Interviews N1, N2, N3, N5, N7 and N10; See also the text of the 2014-2020 Human Rights Strategy of Georgia available at <http://myrights.gov.ge/en/About%20us/news/reports/About%20us/news/My%20Rights/Briefly%20on%20Human%20Rights/About%20us/My%20Rights/useful-links/Policy%20Documents/National%20Human%20Rights%20Strategy/>

⁴⁷ Interview N3, N10 and N12, Focus Group 1.

⁴⁸ Interviews with N10, N14 and N15.

⁴⁹ Text of the EU-Georgia Association Agreement is available at [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\)](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02))

⁵⁰ Focus Group 2.

assistance of international partners could decrease. This will lead to weakening of political support to the country.⁵¹ Hence, "Georgia's actions are motivated by the rules of the game and directly relate to the prestige of the country."⁵²

Similarly, fight against trafficking in human beings was one of the key topics during the Visa Liberalization Dialogue with the EU in 2012-2017. Georgia's performance in this area was carefully analysed and formed part of the decision to offer a visa-free regime with the European Union.⁵³ This aspect has been repeatedly stressed by national stakeholders as one of the primary motivators of the political will of the Government of Georgia. It was noted during one of the interviews, "it was not a tick-the-box exercise from the EU side. Logically, it became a significant aspect of the Government policy."⁵⁴

Hence, the Inter-Agency Council as well as primary State institutions is particularly cognizant of:

- Rankings by the US Department of State in Trafficking in Persons Reports (hereinafter the TIP Report);
- GRETA assessments and recommendations; and
- Recommendations issues by the Universal Periodic Review of the UN Human Rights Council (hereinafter the UPR).⁵⁵

General feeling among interviewees and members of the focus groups had been that TIP Report receives more attention in comparison to specialized reporting mechanisms, due to its annual nature (whereas GRETA and UPR issue recommendations vis-a-vis a State once in 4-5 years).⁵⁶

It appears that the national stakeholders are aware of the fact that international organizations cross-reference each other and one negative appraisal can influence – be referenced by other international mechanism.⁵⁷ During the interviews and focus groups, the national stakeholders demonstrated understanding/knowledge about linkages between trafficking

⁵¹ Interview with N1, N6 and N11.

⁵² Interview N11.

⁵³ First Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalization, COM (2013) 808 Final Brussels, 15/11/2013; Second Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalization, COM (2014) 681 Final Brussels, 29/10/2014; Third Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalization, COM (2015) 199 Final Brussels, 08/05/2015; Fourth Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalization, COM (2015) 684 Final Brussels, 18/12/2015.

⁵⁴ Interview N10.

⁵⁵ Focus Group 1; Interviews N1, N7, N8, N9, N10 and N13.

⁵⁶ Interview N11; Focus Group 2.

⁵⁷ Interview N1.

and other thematic instruments (i.e. Convention for the Protection of the Child, ILO Conventions, etc.).⁵⁸ At the same time, it was underscored that international organizations and NGO community actively and largely rely on the recommendations and observations of the reporting bodies to lobby legislative and institutional changes.⁵⁹ Such references serve as a motivator for the Government (in light of declared foreign policy objectives) to further enhance domestic measures in fighting trafficking in human beings.

General Operational Factor (Positive): Ownership of the Process through adoption of Explicit Policy and Effective Coordination Mechanism on Domestic Level

During the interviews and focus groups discussion, it was emphasized that there was a strong ownership of the process of ensuring fighting against trafficking in human beings among national stakeholders. This was due to explicit pronouncement of Government's policy, which stems, among others, from the adoption of the Human Rights Strategy, regular implementation plan and solid institutional mechanism.⁶⁰

All individuals interviewed as well as participants of the focus groups were unanimous in their appraisal that the key strategic player (internal pusher) has been the Inter-Agency Council and its Secretariat at the Ministry of Justice.⁶¹ As noted by one of the interviewees, "they really care" but lack the resources simply being overburdened by many issues.⁶² According to the representative of one international organisation, this process had also led "to development of expertise and skills in the country among line ministries."⁶³ Though, one of the interviewees expressed her wish to observe better inter-institutional coordination.⁶⁴

The 2021 TIP Report also underscores the role of the Inter-Agency Council, especially in relation to increased prevention efforts citing in this regard the effective implementation of the 2019-2020 National Action Plan (NAP) and drafting and the adoption of the 2021-2022 NAP. However, it makes an emphasis on its lack of transparency.⁶⁵

The majority of interviewees and focus group participants agreed with the position that the NAPs advance national and institutional framework, transform international obligation on domestic level through practical activities and determine relevant responsible institutions.⁶⁶ Consequently, NAPs ensures the synergy among the institutions involved, streamlines their

⁵⁸ Focus Group 1; Focus Group 2.

⁵⁹ Interview N3, N12 and N13.

⁶⁰ Interview N1; Focus Group 1; Focus Group 2.

⁶¹ Focus Group 1; Focus Group 2; Interviews N3, N7, N8, N11 and N12.

⁶² Interview N11.

⁶³ Interview N5.

⁶⁴ Interview N8.

⁶⁵ Trafficking in Persons Report 2021, available at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/georgia/>

⁶⁶ Focus Group 1.

activities and makes the process more feasible for each individual institution: what is its mandate and more importantly, how things need to be done.⁶⁷

The below chart indicates general positive determinants on the operational level:

Policy Document - general positive Determinant	Mechanism - general positive Determinant
Human Rights Strategy National Action Plan on Fight against THB	Inter-Agency Council on Fight against Trafficking

Although Georgia has introduced crime of trafficking in the Criminal Code in 2003 and adopted the Anti-Trafficking Law in 2006, none have been mentioned as general determinants (probably due to their existence before 2010). Though, the recent amendments to the legislation become relevant with respect to “4Ps” and types of trafficking as discussed below.

Hindering Factors

The interviewees and participants of the focus group discussions named several hindering factors (determinants) of anti-trafficking efforts:

- Dynamic nature of the crime of trafficking and the use of IT means (online systems), which complicates effective investigation.⁶⁸ During pandemic, sexual exploitation moved online.⁶⁹ There is a need for national stakeholders to enhance their capacity in order to efficiently address new challenges. While such adjustments take certain time, reaction should be timely/rapid and effective. The need for additional legislation and policy action to assist Georgia to effectively address technology-facilitated human trafficking, was accentuated by the 2020 report of the OSCE Special Representative and Coordinator for Combatting Trafficking in Human Beings.⁷⁰ The Report notes that various interlocutors acknowledged the presence of ICT-facilitated exploitation and the current lack of efforts to address it.⁷¹

⁶⁷ Interview N5; Evaluation of Implementation of Georgia’s National Action Plans for Combating Trafficking in Human Beings, p. 29,

⁶⁸ Focus Group 1.

⁶⁹ Interview N1.

⁷⁰ Report by the OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings following the country visit to Georgia 17-19 June, 2019, SEC.GAL/54/20, 2020, available at <https://www.osce.org/cthb/451561> p. 2.

⁷¹ Ibid. pp. 6, 13.

- Trafficking in human beings has not been the subject of sufficient political attention in Georgia in recent years (not the top priority). It is important to maintain a strong focus on the fight against THB as an on-going challenge, including through vigorous prevention – proactive measures.⁷² This was also clearly identified as an existing reality and a challenge that hinders enhancement of the fight against trafficking in human beings by GRETA in 2021. It was emphasized that during the third evaluation visit to Georgia less attention was being paid to combating trafficking in human beings.⁷³
- Interviews/focus group discussions also identified that there is lack of financial resources, particularly for rehabilitation and health-care services. It was observed that the Agency for Victims of Trafficking would be unable to cover services in case of increase in numbers.⁷⁴ Funding is also scarce for NGO community: this relates both to donor funding as well as state funding via Crime Prevention Center for NGO community.⁷⁵ In this connection GRETA in 2021 observed that NGOs that used to be active in the anti-trafficking field had shifted their focus to domestic violence; and recommended to the government to build strategic partnerships with civil society.⁷⁶
- Similarly, responses revealed that there is a lack of human resources particularly in support services, i.e. social workers.⁷⁷ Notably, there is the outflow of staff from social services (i.e. lots of qualified social workers became Witness and Victim Coordinators at MoIA and Prosecution during the last decade, due to higher salary).⁷⁸ Lack of available social workers was also identified as a challenge by GRETA already in its first evaluation report. Georgia was recommended to address this challenge. In 2016 Report this concern was reiterated, noting that the situation remained unsatisfactory due to social workers' low remuneration and absence of specialized training.⁷⁹
- Widening of the mandate of the Anti-Trafficking Agency (beneficiaries), that prior provided services only to victims of trafficking, whereas currently it provides state funded services for several additional vulnerable groups such as (i) victims of violence against women and domestic violence, (ii) elderly, (iii) persons with disabilities,

⁷² Interview N9 and N14; Focus Group 2.

⁷³ Third Evaluation Report, Georgia, GRETA(2021)02, 16 March 2021, available at: <https://rm.coe.int/greta-report-on-the-implementation-of-the-council-of-europe-convention/1680a1c79a>, p. 10.

⁷⁴ Focus Group 2; Interview N14.

⁷⁵ Focus Group 2; Interviews N3 and N12.

⁷⁶ Third Evaluation Report, Georgia, GRETA, p. 33.

⁷⁷ Interview N8.

⁷⁸ Interview N3.

⁷⁹ Second Evaluation Report, GRETA(2016)8, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168065bf89>, p. 25.

including children without care.⁸⁰ It was underscored that the Agency was unable to provide adequate employment or social services in long term.⁸¹

- Dependence of service receivers on local municipalities in questions of social services as well as potential housing (especially outside of Tbilisi) also raised concerns. This is so, as programs are primarily centralized, municipalities neither have experience of planning nor have long-term rehabilitation programs for victims of trafficking. The low involvement of municipalities (local governments) in questions of (i) prevention - especially in terms of vigilance and early identification, as well as (ii) protection, long term services on local level has been stressed;⁸²
- Finally, especially in relation to the identification of instances of the trafficking, one interviewee underscored the low level of understanding of this crime among society at large and to certain extent inappropriate attitude towards it.⁸³ It was noted that as this crime does not affect significant part of the population, they could be adamant to report the crime. This is particularly true if compared with such crimes as robbery, theft or crimes against juveniles. According to interviewee, this hinders State's fight against trafficking successfully. Therefore, there is a need to direct efforts on awareness raising and shaping public opinion relating to the risks and threats emanating from or relating to this crime.⁸⁴
- Lack of public interest to be involved in the decision-making processes – low level of awareness particularly in the regions.⁸⁵

Particulars of determinants by type of response

Prosecution

The Prosecutor's Office Strategy and Action Plan is considered as a positive determinant influencing prosecutorial policy against THB by law-enforcement authorities with distinctly listed measures.⁸⁶ According to the representatives of the Prosecutor's Office, annual reporting by the Prosecutor General of Georgia before the Parliament of Georgia in line with

⁸⁰ Interview N1 and N3; See also the mandate of the Anti-Trafficking Agency available at <http://atip-fund.gov.ge/eng>

⁸¹ Interview N3.

⁸² Focus Group 2; Interview N8, N12 and N13.

⁸³ Interviews N3, N6 and N12.

⁸⁴ Focus Group 1.

⁸⁵ Interview N12.

⁸⁶ Focus Group 1.

Article 15 of the Organic Law of Georgia on Prosecution is a significant complementary factor in addition to international reporting, national accountability.⁸⁷

Importantly, since 2018 the Prosecutor General's annual reporting has been based on the implementation of the 2017-2021 Prosecutor's Office Strategy⁸⁸ that prioritizes *inter alia* increase of the effectiveness of fight against trafficking by listing of explicit initiatives:

- Specialization of prosecutors (currently there are 5 specialized prosecutors);⁸⁹
- Participation of prosecutors in a review of operative information with law enforcement authorities;
- Coordination of activities *via* task force/working groups with law enforcement (MoIA), Labour Inspection as well as Guardianship and Custody Agency;
- Implementation of specific actions with respect to labour exploitation, involvement of street children in begging.⁹⁰

The prioritization of the THB cases is also integrated in international legal cooperation in criminal matters, i.e. extradition cases, mutual legal assistance and transfer of convicts in line with international and bilateral treaties.⁹¹ Namely, the International Relations Unit of the Prosecutor's Office, as an agency in charge of international legal cooperation in criminal matters, is guided by internal guidelines (distance questioning of victims/witnesses) and reduced deadlines in requests related to THB cases.⁹²

On an operational level, comprehensive investigation of THB-related crimes and determining the inter-relationship/linkages between such crimes has been named as one of the positive determining factors for successful prosecutorial policy.⁹³ Namely, investigation of the engagement in prostitution (by threatening destruction of property, blackmail or deception, threatening or using violence),⁹⁴ promotion of prostitution⁹⁵ or unlawful transactions with respect to minors for the purpose of their adoption,⁹⁶ could lead to hidden cases of THB.⁹⁷

Apart from specialization of prosecutors, THB Specialized Investigation Units exist in Tbilisi (capital) and Adjara region of Georgia under the Anti-Trafficking Unit of the Criminal Police

⁸⁷ Focus Group 1.

⁸⁸ The text of the Strategy is available at: <https://pog.gov.ge/page/default/prokuraturis-strategia-1>

⁸⁹ In 2021, GRETA positively assessed this development. See Third Evaluation Report, Georgia, GRETA(2021)02, 16 March 2021, p. 27.

⁹⁰ Text of the 2017-2021 Prosecutor's Office Strategy available at: <https://pog.gov.ge/page/default/prokuraturis-strategia-1>

⁹¹ Focus Group 1.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Article 253 of the Criminal Code of Georgia.

⁹⁵ Article 254 of the Criminal Code of Georgia.

⁹⁶ Article 172 of the Criminal Code of Georgia.

⁹⁷ Focus Group 1.

Department of the Ministry of Internal Affairs of Georgia. Namely, there are 6 Mobile/Task Forces in Tbilisi and 1 Task Force (composed of investigators, prosecutor and IOM) in Adjara that are primarily mandated to identify potential victims and THB crimes through on-site monitoring of high-risk places.⁹⁸ Both the Prosecutor's Office and the Ministry of Internal Affairs acknowledged that the effectiveness of prosecution of cases of labour trafficking (in comparison with sexual exploitation) was a challenge and the mechanism of the Mobile/Task Force has been perceived as an adequate response of law enforcement authorities to Georgia's downgrading from Tier 1 into Tier 2.⁹⁹

Notably, pro-activeness by law enforcement authorities has a formal motivator – State machinery requires first hand reaction to and prosecution of the cases of THB, as the progress could be illustrated in numbers (i.e., it is more tangible).¹⁰⁰

A negative determinant for Prosecution is the lack of independent judiciary and the quality of the judicial decisions.¹⁰¹

Overall, Focus Group with the representatives of the law-enforcement authorities displayed following tendency: Prosecutor's Office has more cognizant and informed tactics and procedures in fighting THB, whereas the Criminal Police (the MoIA) is more of an implementer (always citing National Action Plan on Fight against Trafficking or obligations stemming from criminal legislation).

Protection

Key positive determinant in the area of general protection is the system of shelters and crises centres under the Agency for the Victims of Trafficking under the Ministry of IDP, Labour, Health and Social Affairs of Georgia.¹⁰²

Anti-Trafficking Law of 2006 includes a variety of measures to protect and assist victims, including setting up of shelters providing temporary housing and services. Thus, establishment of shelters was prescribed by law as early as 2006 based on international best practices. As for the crisis centres, they have been primarily designed and developed for victims of violence against women and domestic violence in line with the Law on Violence against Women/Domestic Violence. The agency has extended the mandate of the crisis centres to victims of THB who wished to benefit from psychosocial rehabilitation, medical assistance and legal aid, etc., but declined to remain at the premises of a shelter.¹⁰³ The decision was

⁹⁸ Focus Group 1.

⁹⁹ Focus Group 1.

¹⁰⁰ Interview N1.

¹⁰¹ Interviews N3 and N12.

¹⁰² Interviews N1, N5 and N10.

¹⁰³ Information about the crisis centers are available at the following web-site: <http://atip-fund.gov.ge/geo/static/238/krizisuli-centri>

primarily motivated by discussions and recommendations within the Inter-Agency Council on Fight against Trafficking.

All interviewees, however, were also quick to note that the system is not without its challenges.

As per negative determinants, on the institutional level, the broadened mandate of the Agency has been voiced as an undesirable development. Whereas at the moment of its launch and early period, the Agency (formerly known as the State Fund for Victims of Trafficking) was only mandated to provide services to the victims of THB, as of 2014 the Agency provides services to a broad range of vulnerable groups, including women victims of violence/domestic violence, elderly, children with disability, etc. The Agency became successor of the Social Service Agency's guardianship and custodianship service upon MoHLSA's decision (internal reorganization), i.e. becoming primary service provider for vulnerable groups requiring care related services (shelters).¹⁰⁴

Though, 2 shelters (one in Tbilisi and one in Batumi) provide services to the THB exclusively, increased role has redirected the Agency's attention, shifting its priorities.¹⁰⁵

Moreover, the Agency often suffers from the lack of qualified staff. Due to high caseload and low salary, in recent years social workers and psychologists have left the Agency in favour of working in international organizations or law-enforcement institutions as Witness and Victim Coordinators. Therefore, the issue of "institutional sustainability" and "institutional memory" may arise that would decrease the efficacy of the services rendered by the Agency.

Simultaneously, the services offered at crises centres and/or shelters are limited in time and do not provide long-term integration policies for victims of THB (i.e. skills development, employment opportunities, etc.).¹⁰⁶ Assessing the situation regarding the access to work, GRETA in 2021 recommended Georgia to strengthen effective access to the labor market for victims of THB, as well as their economic and social inclusion.¹⁰⁷

Two other positive factors identified are:

¹⁰⁴ This was a political decision, as the Social Service Agency was lacking capacity, whereas the Fund was perceived as a success when it came to protection of vulnerable groups.

¹⁰⁵ Interviews N3 and N12.

¹⁰⁶ Interviews N3 and N8.

¹⁰⁷ Third Evaluation Report, Georgia, GRETA(2021)02, 16 March 2021, p. 16.

- Amendment of the regulation related to one-time compensation to the victims of THB (in the amount of 1000 GEL) that is not dependent on the guilty plea of the perpetrator in criminal cases. It is perceived as a positive step forward providing certain financial guarantees for victims,¹⁰⁸ in line with GRETA recommendations.¹⁰⁹
- Introduction of the Witness and Victims Coordinators (the WVCs) in law-enforcement institutions:
 - Within Prosecutor's Office there are up to 20 WVCs since 2011 providing psychological support, information about services and the rights granted to victims and witnesses under Georgian legal system. In 2018, the Criminal Procedure Code of Georgia has been amended granting the WVCs legal status in criminal proceedings;
 - WVC is relatively new phenomena within the Ministry of Internal Affairs of Georgia as they have been introduced in 2019. They also focus on victim and witness's needs.¹¹⁰

Overall, the law enforcement authorities are in favour of the WVC concept, as victims' often prefer to talk to experienced staff dealing with trauma and sensitive issues/information (e.g. in cases of sexual exploitation) compared to a policeman, investigator or prosecutor.

From 2013, recommendations and pressure by international organizations and donors have significantly influenced State's response with respect to the issue of street children.¹¹¹ Key achievement in this regard is the creation of services for children that are often involved in begging, i.e. victims of labour exploitation. Namely, the State-run program under the Ministry of IDPs, Labour, Health and Social Assistance provides services aimed at street children's psychosocial rehabilitation and reintegration through day centres and 24-hour shelters.¹¹² However, there is no baseline data on child trafficking in Georgia that would reflect the scale of the issue (estimates suggest between 1000 and 2000 children being involved in begging or domestic exploitation).¹¹³ Similarly, there has been no appraisal of quality of services provided at day's centres and 24-hour shelters for children.¹¹⁴

¹⁰⁸ Interviews N3, N5 and N10; Focus Group 2.

¹⁰⁹ Recommendation CP/Rec(2021)03 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia 4 June 2021, available at: <https://rm.coe.int/recommendation-cp-rec-2021-03-on-the-implementation-of-the-council-of-/1680a2bc3a>

¹¹⁰ Interviews N1, N2, N5 and N7; Focus Group 2.

¹¹¹ Interviews N3, N12 and N13; Focus Group 2.

¹¹² Information regarding the State Program for Street Children is available at the following web-site: http://ssa.gov.ge/index.php?lang_id=GEO&sec_id=1104

¹¹³ US Department of Labour, 2018 Findings on the Worse Forms of Child Labour, Georgia available at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/georgia>

¹¹⁴ Interview N12; See also Report by the OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings following the country visit to Georgia 17-19 June, p. 7.

Overall the civil society representatives and international/donor community represented in Focus Group 2 appealed for transforming State's reactive responses into proactive measures.¹¹⁵

Prevention

It seems that the State devoted the least attention to the issue of prevention of THB. The government of Georgia primarily relied on the external players to take a lead in this process (i.e. international organization, donor community and CSOs).¹¹⁶ There are several adverse factors triggering such determination.

The functions among State agencies were not properly distributed – they were and to some extent, are lacking understanding about the complementary nature of each other's programs, activities and interventions (i.e. "no unified front with respect to prevention").¹¹⁷ Whereas the law-enforcement authorities are on the front line with Mobile Task/Mobile Groups and the Agency for Protection of Victims of Trafficking seems overburdened with the protection work, the Ministry of Education and Science, of Georgia has remained static in its efforts (notably, none of the interviewees or FGs participants mentioned any positive initiative undertaken by the said Ministry in recent years).¹¹⁸ The very fact that Ministry of Education and Science of Georgia should initiate large-scale awareness campaign has been recommended by external stakeholders.¹¹⁹

This challenge has been somewhat acknowledged by the Government and the Inter-Agency Council with an attempt to allocate tasks to the State institutions and incorporate efforts undertaken by external stakeholders in the bi-annual action plans, including EU-funded projects run by implementing agencies and non-governmental organisations, inter-governmental support (US Embassy), etc.

In this regard, following observations were made:

- There is a lack of baseline study that would evaluate the impact of undertaken efforts and reveal hidden challenges in order to determine (sustain) proper prevention strategy.¹²⁰ Prevention is not "just posters on buses..."¹²¹

¹¹⁵ Focus Group 2.

¹¹⁶ Interview N11.

¹¹⁷ Interviews N1 and N11.

¹¹⁸ Interview N11.

¹¹⁹ Evaluation of Implementation of Georgia's National Action Plans for Combatting Trafficking in Human Being for 2018-2018 and 2019-2020, EU4Justice, ENIGMA & ICMPD, December 2020.

¹²⁰ Interviews N3, N11, N12 and N14.

¹²¹ Interview N11 and N13.

- Similarly, little is known about the success of the Labour Inspection when it comes to fighting trafficking in THB with the exception of number of monitoring visits undertaken (originally it was re-established in 2015 under the Ministry of Labor and Health and Social Affairs, and was mandated to monitor occupational safety and forced labor. Currently, in the framework of a Memorandum of Understanding (MOU) signed with the MoIA it refers the suspected cases of forced labor and labor exploitation to the Anti-Trafficking Unit of the Criminal Police Department of MoIA).
- Lastly, the Consular Offices (under the Ministry of Foreign Affairs) seem to routinely engage in preventive activities through awareness rising among risk groups about potential threats (the Consular Office websites dedicated to the THB), referral mechanisms and hotlines both in Georgia and in host countries.¹²²

It is apparent that the Ministry of Foreign Affairs undertakes these tasks as a part of their obligation provided for in law and Action Plan.¹²³ Overall, it seems that from external stakeholders' perspective, pro-active efforts by law-enforcement authorities is more tangible and visible in comparison to other State agencies.¹²⁴

Partnership

Partnership in itself comprises close cooperation in anti-trafficking efforts in two dimensions:

- Domestically - primarily with international organizations, donor community and CSOs; and
- Internationally – with the relevant international mechanisms and States.

Primary positive determinant for effective partnership is the existence of genuine will for cooperation. The majority of interviewees and participants of both Focus Groups were quick to identify primary partners among international organizations, donor community and NGO sector, as well as give specific examples of collaboration in:

- Drafting of the National Referral Mechanism/Action Plans, amendments to laws, regulations and guides/training modules;
- Capacity Building and Training;
- Service provision (i.e. legal aid, skills-based training, etc.).¹²⁵

¹²² Interview N4.

¹²³ Interview N4.

¹²⁴ Focus Group 2.

¹²⁵ Interview N1, N3, N4, N10 and N12.

Collaboration Examples from Recent Practice		
Forum/Institution	Issues	External Stakeholders
Inter-Agency Council on Fight against Trafficking	Drafting and adoption of Bi-annual action plans	<ul style="list-style-type: none"> • UNICEF; • IOM, • NGOs: Georgian Young Lawyers Association (GYLA), Anti-Violence Network, Tanadgoma & ICMPD;
	Legislative Amendments to the Anti-trafficking Law, regulations related to Compensation and Victim Identification	<ul style="list-style-type: none"> • US Embassy; • IOM' • NGOs: ICMPD, GYLA, Anti-violence Network, CIDA & Tanadgoma
	Information Awareness Campaign	<ul style="list-style-type: none"> • IOM; • SIDA; • NGOs: People in Need & ICMPD;
	Incorporation of THB in high school education (9-12 classes)	<ul style="list-style-type: none"> • IOM; • PH International
	Training and Capacity Building: <ul style="list-style-type: none"> • Staff of Agency (shelters) and Victim Identification task Force; • Border guards, revenue service border guards; • Staff of Justice Houses and public services halls; • Free Legal Aid lawyers; • Staff of Labour Inspectorate; 	<ul style="list-style-type: none"> • OSCE/ODIHR; • IOM, FRONTEX • ICMPD (EU Funded Project ENIGMMA); • European Union Twinning Project with Labour Inspectorate;
WG on Street Children	Drafting 2021-2025 Strategy on Street Children and Action Plan (covering trafficking in minors)	<ul style="list-style-type: none"> • UNICEF; • Save the Children; • NGOs: Initiative for Social Changes & Child Welfare League;
Agency (former State Fund)	Cooperation in protection, assistance and rehabilitation spheres	<ul style="list-style-type: none"> • IOM; • NGOs: Women Information Centre, GYLA, Anti-Violence Network, Tanadgoma and Amagdari;

Georgia is engaged in a dialogue/reporting with several international monitoring bodies that either specialize or inquire into THB issues in Georgia – none of which have raised the issue of non-cooperation from Georgian side:

- GRETA;
- Universal Periodic Review;
- Special Representative and Coordinator for Combating Trafficking in Human Beings.

At the same time, partnership with third States equally depends on the latter’s good will to cooperation: it has been acknowledged by one of the interviewees that whereas cooperation with European and neighbouring countries is relatively easy and quite productive, the same could not be said about the communication and cooperation with the Central Asian countries despite several attempts.¹²⁶

Particulars of determinant by form of exploitation

Focus Group discussions, interviews and review of the literature suggest that Georgia has acknowledged the existence of primarily three types of THB: *sexual exploitation (female victims)*, *labour exploitation (primarily male victims)* and *forced begging in minors*.

Whereas sexual and labour exploitation are primary concern of law-enforcement authorities due to international reporting/accountability,¹²⁷ international organizations and CSOs have been vocal on the issue of street children and the recognition of begging by minors as THB.¹²⁸

Most Common Types of THB in Georgia		
Sexual Exploitation	Labour Exploitation	Begging by minor
<p>Women: Primarily foreign nationals from Central Asia (explicitly mentioned Uzbek nationality).</p> <p>International THB – Georgia destination country.</p>	<p>Both Women & Men:</p> <p>Both foreign nationals & Georgians.</p> <p>International (seasonal) THB – Georgia destination country</p> <p>Internal trafficking.</p>	<p>Georgian nationals, permanent residents without IDs (e.g. Roma) and foreign nationals commuting (e.g. Azerbaijan);</p> <p>International (seasonal) as well as Internal THB – Georgian destination country</p>

¹²⁶ Interview K.S.; Focus Group 1.

¹²⁷ Focus Group 1.

¹²⁸ Interviews N5 and N9; Focus Group 2.

It has been suggested that Georgia lacks proper risk analysis with respect to forms of exploitation and profiling of victims: identification and profiling is primarily done based on the past cases (i.e. cases involving female victims of Uzbek nationality as well as children for begging, commuting from Azerbaijan with their families).¹²⁹ One of the interviewees suggested that due to past experience there is a tendency to deny entrance on the border to women from Central Asian countries, however there are no written rules on this policy.¹³⁰ It has been noted, that the level of education and financial situation of persons (reference was made to women) are not analysed as risk factors while planning preventive activities.¹³¹

On the other hand, it has been argued that the case-analysis is extensively used to determine profile of a victim: authorities are aware of the fact that “primarily females from certain countries are being trafficked to work in Georgia” and this information is handed over to border police (though this profile information is not public).¹³² According, to the case-analysis victims of foreign nationality are Uzbeks, Moldovans, Azerbaijanis, Armenians and Russians.¹³³ It has been noted that border police has been trained to identify persons falling into the risk category, although there is a lack of monitoring of the efficiency of enforcement.¹³⁴

Trafficking for the purpose of sexual exploitation

Sexual exploitation cases have been detected and investigated in Georgia more frequently, compared to other types of exploitation.¹³⁵ In this regard, positive determinants identified are:

- Amendment to the Criminal Code of Georgia defining exploitation that makes proper classification of cases during investigative phase;¹³⁶
- Witness and Victims Coordinators that are primarily females similar to majority of victims/potential victims of sexual violence in Georgia. They are considered to facilitate discussion on sensitive issues;

¹²⁹ Interview N11.

¹³⁰ Ibid.

¹³¹ Interview N3.

¹³² Interview N1 and N5; Focus Group 1.

¹³³ Interview N1.

¹³⁴ Ibid.

¹³⁵ Interview N11.

¹³⁶ Focus Group 1.

On the other hand, there are negative factors that hinder proper and timely responses. These are stigmatization of sex workers and their lack of willingness to share information/co-operate with law-enforcement authorities, particularly by victims that are foreign nationals (i.e. women from Central Asian countries in Adjara Region).¹³⁷

Trafficking for the purpose of forced labour

With respect to *labour exploitation*, the interviewees and FGs are quick in mentioning the mandate Labour Inspection as a positive determinant,¹³⁸ although at the same time, recognizing a lack of known cases/successes.¹³⁹ One of the interviewees suggested that the low profile of the Labour Inspection could be a corollary to the Government's reluctance in having any negative effective on business development in Georgia.¹⁴⁰ In 2021, GRETA also stressed on capacity development of labour inspectors.¹⁴¹

One of the interviewee mentioned that in practice domestic work (as a form of labour exploitation) is ignored and in this respect police does not employ any effective mechanisms for identification (the interviewee cited one example of 2 Kenyan ladies residing with Arabic family and the other example of three Armenian males trafficked for labour to Javakheti region).¹⁴² Similarly, another interviewee noted that modern forms of coercion is not limited to taking off the passport or locking someone in a room, but psychological coercion that keeps the victim tied to the perpetrator, which needs adequate inquiry into facts of a case.¹⁴³

There are *three categories of children that are risk group of THB*:

- Children that ran away from violent families – most vulnerable but at the same time most visible group from State services, i.e. they are more or less registered (information is available) and benefit from State services;
- Children from dysfunctional families, i.e. a child engages in begging in order to earn money but returns back home to such family. There is a lack of proper identification through engagement of all relevant institutions (e.g. the function of the school is particularly important in this matter especially with regard to early identification).
- Children who have migrated and/or commuted with families from Azerbaijan – the most difficult group to work with due to lack of interest from their side to engage

¹³⁷ Interview N8.

¹³⁸ Interview N14; Focus Group 1 and Focus Group 2.

¹³⁹ Interview N14.

¹⁴⁰ Ibid.

¹⁴¹ Third Evaluation Report, Georgia, GRETA(2021)02, 16 March 2021, p. 33.

¹⁴² Interviews N11 and N15.

¹⁴³ Interview N9.

with service providers in general. Thus, children on move are most vulnerable. As they do not attend schools, tracing is even more difficult.¹⁴⁴

Whereas representatives of State institutions tend to name positive determinants, international organizations and CSOs stress inadequacy of efforts and resources.

Positive determinants influencing efforts against begging in minors are:

- Pressure and support from international and donor community as well as civil society in Georgia;¹⁴⁵
- Adoption of the State-funded programs for street children;¹⁴⁶
- In recent years prioritization of juvenile justice and children rights that led to specialization of law enforcement authorities in line with the best interest of a child (training, methodology, treatment to avoid re-victimization, etc.);¹⁴⁷

Negative determinants influencing effective fight against begging in minors:

- Limited pro-activeness by State organs;
- Inadequacy of migration regulations;¹⁴⁸
- Lack of flexible and effective identification and response mechanisms (i.e. whereas begging is forced by family members and families commute via Georgia-Azerbaijani border).¹⁴⁹

Notably, one of the interviewees contended that on the level of line ministries the determinants might fluctuate: it depends on the will of senior management to have a clear “vision” and act proactively to improve the situation of street children, beyond implementation of Action Plan. At the same time, the resources (both financial and human capacity) also play important role.¹⁵⁰ Another interviewee also mentioned that there could also be a hidden bias towards specific group – e.g. attitudes towards Roma or Kurdish children.¹⁵¹

The law-enforcement authorities perceive that an organ removal is not a hidden problem due to strong regulatory framework in Georgia: organ transplantation operation can only be done via court’s approval in a limited number of cases. Court prior to issuing approval informs Anti-Trafficking Unit of MoIA that proactively enquires into the facts of a case (in order to eliminate potential instances of THB). Consequently, it has been argued that there

¹⁴⁴ Focus Group 2.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Interview N1 and N9; Focus Group 1; Interview with Ia Dadunashvili.

¹⁴⁸ Interview N15.

¹⁴⁹ Interview N9; Focus Group 2.

¹⁵⁰ Interview N15.

¹⁵¹ Interview N10 and N13.

has been no such fact in Georgia. Though, the Focus Group 1 acknowledged that it does not mean that Georgians are not involved in such operation in other jurisdictions, where the regulation are less stringent (referring to Turkey as an example). Notably, one of the interviewees argued that it could also be related to the lack of acknowledgment on this issue (similar to other forms of THB).¹⁵²

Particulars of determinants according to perpetrator profile

Based on the existing caselaw, perpetrators are primarily of the following nationalities: Georgian, Uzbek, Moldovan and Azerbaijani. There has been a single case of 1 Australian and 1 USA national.¹⁵³ There has been no case of legal entity held liable for THB in Georgia.¹⁵⁴

Whereas the Border Police is more or less engaged in profiling of the potential perpetrators for risk analysis (at the border), criminal police or the Task/Mobile Groups of Anti-Trafficking Unit is not active in that respect.¹⁵⁵ Similarly, both law enforcement authorities (police) and schools rather ignore incidents whereas the child from a poor family is continually absent from the school and parents exploit him.¹⁵⁶

¹⁵² Interview N11.

¹⁵³ For more information consult: <https://police.ge/ge/shinagan-saqmeta-saministrom-arasrultslovnebis-pornografiis-ukanonod-damzadeba-gasaghebisa-da-trefikingis-braldebit-organizebuli-danashaulebrivi-djgufis-1-1-tsevri-daakava/12975>

¹⁵⁴ Focus Group 1.

¹⁵⁵ Interview N11.

¹⁵⁶ Interview N8 and N13.

Focus: Enhanced Identification, Detection and Prevention of THB via institutionalized mechanisms

First Key Improvement is an advancement of multi-faceted approach to prevention through creation and/or extinction of the mandate of relevant institutions/mechanisms to carry out preventive work in various Ministries:

- Mobile Groups at Criminal Police Department, MoIA;
- Task Force in Adjara at Criminal Police Department, MoIA;
- Labour Inspection at MoHLSA.

Mobile Groups have been established in 2013 and their number increased in 2019 (from 4 to 6) under the Anti-Trafficking Unit of the Criminal Police Department of the Ministry of Internal Affairs. Mobile Groups are composed of detective-investigators and mandated to monitor the high-risk facilities by spontaneous visits (e.g. bars, saunas, baths, hotels, casinos, etc.) in order to determine (i) risk-bearing facilities, (ii) check and study individuals who could be involved in THB and (iii) alert risk groups of potential threat.

They also monitor (i) persons and organizations that offer employment in or outside of the country, (ii) organizations that ensure transportation for persons leaving the country; (iv) travel agencies and (v) enterprises which employ foreigners, organizations and persons providing visa assistance.

The **Task Force (in Adjara)** has been established in 2014 based on the Memorandum of Understanding signed between the IOM, the Ministry of Interior and the Prosecutor's Office. Task Force is composed of investigators, prosecutors and IOM representatives that collaborate not only in investigation but also detection of the THB. Like Mobile Groups, Task Force also proactively checks risk places, interviewing the employees and in case of any suspicion, investigates and prosecutes human traffickers.

Tangible impact: increase in number of investigation and prosecution.

Comparative Data for TBH (combined Adults and Minors)			
	2010	2019	2020
Investigation	11	21	15
Prosecution	4	27	4
Cases taken to Court	0	2	5
Conviction	0	3	29
Victims	8	0	3
Statutory Victims	3	29	3

The Labor Inspection was re-established in 2015 under the Ministry of Labor and Health and Social Affairs, while being mandated to monitor occupational safety and forced labor without prior notification. Upon being established, the Labor Inspection signed a Memorandum of Understanding (MOU) with the MoIA to refer the suspected cases of forced labor and labor exploitation to the Anti-Trafficking Unit of the Criminal Police Department of MoIA. As a result of the inspections, three cases suspected of human trafficking was referred to the police and was later dismissed due to lack of THB elements. It also carries out awareness campaigns in local communities (regions) and representatives of business sector.

Enhancing and supporting improvement of Prevention requires collaborative approaches and initiatives by all relevant ministries and agencies as well as local-self-government institutions, in order to discourage demand and increase knowledge and education in a sustainable manner.

One of the least active players is the Ministry of Education and Science. Ministry primarily sees its obligations limited to incorporation of lectures on THB within Civic Education Classes/School-books for 9-12 grades and reporting on teaching of THB at university level as reported in Progress Report on Implementation of 2019-2020 National Action Plan.¹⁵⁷

Key determinant/s of the Improvement N1 where appraisal by international bodies:

¹⁵⁷ Progress Report is available in Georgian at <https://justice.gov.ge/files/9E0qniVIYo9I.pdf>. See pp. 12-13.

- Demotion of Georgia from Tier 1 to Tier 2 in US TIP Reports in 2013 for 3 years for the lack of proactive methods detection and identification of potential trafficking victims. The main rationale behind this move was mainly related to the decrease in law-enforcement efforts, with fewer suspected trafficking offenders being investigated and prosecuted than in previous years;
- GRETA underscored the same concerns during the examination of the Report concerning the implementation of the Convention by Georgia, in the framework of the second evaluation round in 2012.

Focus: Recognition and Coordinated Response to Labour Exploitation of Street Children

All stakeholders (interviewees and the members of the Focus Groups) were adamant that the vast majority of children, who beg on the streets for long hours, are victims of exploitation. Children living and working in streets include Georgian Kurds and Roma, Moldovan Roma and children arriving from Azerbaijan.

In 2014 a Temporary Working Group was convened under the Inter-Agency Council on Fight against Trafficking to look into the issue of increasing numbers of children living and working in streets. Working Group composed of line ministries (child rights agencies) and international organizations identified a number of issues ranging from the lack of identification documents to the lack of access to services and education for this group of children and proposed amendments to the legislation to enhance the child protection system (e.g. strengthened the social workers' role to separate minors from a family situation that is exploitative). The Parliament of Georgia adopted amendments in June 2016.

The Inter-Agency Council on Fight against Trafficking also incorporated the issue of street children in National Action Plans on Fight against Trafficking in Human Beings.

In parallel, the Ministry of IDPs, Labor, Health and Social Assistance initiated State program that provides street children with day centers and shelter services, while the Social Service Agency of the Ministry initiated mapping and identification of areas where children live and/or work in the streets in Tbilisi, Kutaisi and Rustavi. In 2014-2019, the Social Service Agency has identified 1837 children living or working in the streets, whereas 1355 children benefited from services of day centers and shelters.

Lastly, the new Child Protection Referral Mechanism was approved in 2016, which expanded the list of responsible agencies for the referral of cases of violence against children and set a mandatory rule that all possible cases of violence against children must be referred to the Social Service Agency and the police.

Key determinant/s of the Improvement N2 where recommendations issued by international organizations (UNICEF, World Vision, Save the Children, IOM, etc.) and civil society to:

- Ministry of IDPs from Occupied Territories, Labor, Health, and Social Affairs (LELP Social Service Agency);
- Human Rights Secretariat of the Government of Georgia;
- Inter-Agency Council for Fight against Trafficking.

Similarly, the issue of street children had been subject of recommendation by:

- GRETA's in its first, second and third reports;
- Committee on the Rights of the Child in its Concluding Observations on Fourth Periodic Review of Georgia in 2017).

COVID-19

Impact on anti-trafficking efforts

Overall, the majority of interviewees and members of both Focus Groups named Prevention as key area that was affected by Covid-19 related restrictions as:

- Direct communication with potential risk groups was limited (i.e. awareness raising campaigns, community meetings/local population in regions, etc.).
- Spontaneous/pro-active monitoring and visits either by Labour Inspection or Task/Mobile Groups restricted.¹⁵⁸

Prosecution is the second most affected direction due to the following factors:

- Trafficking moved into online/internet space – “trafficking for sexual exploitation purposes has gone underground”;
- New risks emerged when children moved to the Internet space. The control is less, they are unlimited in their activities, so targeting of children in terms of trafficking became easier;
- Due to decline of pro-active monitoring and visits by the Task/Mobiles Groups decrease in gathering of operative information;
- Delay in the proceedings: obstruction of investigation and protracted court hearings due to online- proceedings.¹⁵⁹

It seems that the law enforcement authorities have acknowledged this challenge from the beginning and requested assistance in knowledge and experience sharing from international organizations and foreign colleagues.¹⁶⁰

Several interviewees raised concerns related to street children – although restrictions decreased their mobility (on the border as well as inside the country), it has not solved the problem itself.¹⁶¹ At the same time, due to street children living conditions – limitation on movement could not be imposed. Therefore, they became “a walking risk” both for themselves as well as for the service providers.¹⁶²

In general terms, Covid-19 has increased financial vulnerability, which leads to rise of poverty in population and consequently, growth of the risk groups of THB (i.e. people looking

¹⁵⁸ Interviews N1, N5, N8 and N11; Focus Group 1 and Focus Group 2.

¹⁵⁹ Focus Group 1.

¹⁶⁰ Interview N11.

¹⁶¹ Interview N15.

¹⁶² Interview N14.

fore employment, children whose parents lost income and could be subjected to labour, etc.).¹⁶³ It would be rational to assume, that it would also have an impact on services – if the number of victims, vulnerable and risk groups as beneficiaries increase.¹⁶⁴

¹⁶³ Interviews N5 and N8.

¹⁶⁴ Interview N2, N3 and N8.

Conclusion

Research conducted in the framework of this report confirmed that the key determinants of Georgia's actions and a relative progress achieved in fight against THB have been international obligations, mounting criticisms, and pressure from international actors that echo with local stakeholders. A positive development observed is that the Government of Georgia does not overlook or discount challenges and criticism; rather they serve as precursors for concrete actions and policy developments.

While it is commendable that the Government of Georgia over the time has been responsive to international reactions and mindful of its international obligations, it has been observed that not all Government stakeholders perceive anti-trafficking efforts as a priority. The local ownership primarily rests with the Inter-Agency Council on Fight against Trafficking, which supervises overarching policy developments and coordination efforts. On an institutional level, however, we see the discrepancies in endeavors of individual government institutions. Law enforcement authorities and service providing institutions appear more invested in the process. This can be connected to their inherent functions, which are detection and investigation or crime (in case of law-enforcement agencies) and provision of services. Contribution from other line ministries in prevention and protection is lacking behind.

On an operational level, endorsement of the National Action Plan, comprehensive legislation and practical guides ensure better coordination among institutions and cultivates clear objectives for public officials about the genuine will and steps to be undertaken for further progress.

Simultaneously, the key criticism voiced both by international and local actors, is a lack of proactive mindset within the Government in relation to fighting against THB. This could be related to the circumstance that THB is not the gravest of challenges faced by Georgia and with functioning institutional and policy framework, the country is capable of complying with its international obligations. This fact is being acknowledged by all relevant stakeholders. On the other hand, however, the lack of progressive action has been noted as a challenge for significant period of time already and in case of further decrease in identification and effective prosecution of THB cases, in addition to other novel threats arising out of and in connection to COVID-19, Georgia might face risks of deteriorating its standings.

Hence, the Government and in particular the Inter-Agency Council on Fight against Trafficking, should develop a long-term vision with the introduction of proactive measures and steps, which in a medium and long term perspective will become operational modalities of fight against THB in Georgia.

Bibliography

Policy Documents

[2014-2020 National Strategy for Protection of Human Rights, Parliament Decree N2315-IIS of 30 April 2014](#)

[Human Rights Action Plans](#) for 2014-2015, 2016-2017 and 2018-2020

[National Action Plans on Combating THB](#) for 2021-2022, 2019-2022, 2017-2018, 2015-2016, 2013-2014, 2011-2012 (all adopted by the Inter-Agency Coordination Council on Combating Trafficking in Human Beings)

2017-2021 [Prosecutor's Office Strategy](#)

Legislation

Organic Law of Georgia on Occupational Safety Standards (19/02/2019) 4283-IIS available at: <https://matsne.gov.ge/ka/document/view/26152?publication=17>

Organic Law of Georgia – Labor Code of Georgia (17/12/2010) 4113-RS available at: <https://matsne.gov.ge/ka/document/view/1155567?publication=21>

Organic Law of Georgia on Public Defender (16/05/1996) 230 available at: <https://matsne.gov.ge/ka/document/view/33034?publication=27>

Law of Georgia on Combatting Trafficking in Human Beings (16/05/2006) 2944 available at: <https://matsne.gov.ge/en/document/view/26152?publication=9>

Criminal Code of Georgia (22/07/1999) 2287 available at: <https://matsne.gov.ge/ka/document/view/16426?publication=238>

Law on Labor Inspection (29/09/2020) 7178-IS available at: <https://matsne.gov.ge/ka/document/view/5003057?publication=0>

Law on Legal Status of Aliens and Stateless persons available at: <https://matsne.gov.ge/ka/document/view/2278806?publication=13>

Law of Georgia on Occupied Territories (23/10/2008) 431 available at: <https://matsne.gov.ge/ka/document/view/19132?publication=8>

Regulations

Government of Georgia Order N551 on Establishing an Inter-Agency Human Rights Council (13/12/2016) available at: <https://matsne.gov.ge/ka/document/view/3465313?publication=0>

Presidential Decree N534 on Inter-Agency Council on Fight Against Trafficking in Human Beings in Georgia (01/10.2006) as amended by the Government Decree N281 (10/04/2014) available at: <https://matsne.gov.ge/document/view/2316707?publication=0>

Government Decree N58 on adoption of the renewed mandate of the Legal Entity of Public Law the Agency for State Care and Victims of Trafficking (29/01/2020) available at http://atipfund.gov.ge/res/docs/saagentos_debuleba_2020.pdf ;

Minister of Internal Affairs Order N71 on adoption of the Statute of the Central Criminal Police Department (16/08/2019) available at <https://info.police.ge/uploads/6009d8856aa79.pdf> ;

Judicial Decision

Georgia v. Russian Federation II, Application No. 38263/08, Judgment of January 21, 2021 available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-207757%22%5D%7D>}}

GRETA Documentation

Recommendation CP/Rec(2021)03 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia 4 June 2021, available at: <https://rm.coe.int/recommendation-cp-rec-2021-03-on-the-implementation-of-the-council-of-1680a2bc3a>

Third Evaluation Report, Georgia, GRETA (2021)02, 16 March 2021, available at: <https://rm.coe.int/greta-report-on-the-implementation-of-the-council-of-europe-convention/1680a1c79a>

Recommendation CP(2016)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia 23 May 2016, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680654cd9>

Second Evaluation Report, Georgia, GRETA (2016), 3 June 2016, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168065bf89>

Recommendation CP(2012)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia 13 November 2012, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631c08>

First Evaluation Report, Georgia, GRETA (2012), 7 February 2012, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631c34>

US State Department Reports

Trafficking in Persons Reports of 2021, available at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/georgia/>

Trafficking in Persons Reports of 2020 available at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/georgia/>

Trafficking in Persons Report 2017, available at: <https://www.state.gov/reports/2017-trafficking-in-persons-report/>

Trafficking in Persons Report 2014, available at: <https://2009-2017.state.gov/documents/organization/226846.pdf>

Trafficking in Persons Report 2013, available at: <https://2009-2017.state.gov/j/tip/rls/tiprpt/countries/2013/215467.htm>

US Department of Labour, 2018 Findings on the Worst Forms of Child Labour, Georgia available at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/georgia>

Global Survey Index

The Global Slavery Index 2018, available at: <https://downloads.globalslaveryindex.org/ephemeral/GSI-2018-Chapter-5-regional-findings-p-1648275751.pdf>

The Global Slavery Index 2016, available at: <https://downloads.globalslaveryindex.org/ephemeral/GSI-2016-Full-Report-1648277063.pdf>

European Union Progress Reports

First Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalization, COM (2013) 808 Final Brussels, 15/11/2013

Second Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalization, COM (2014) 681 Final Brussels, 29/10/2014

Third Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalization, COM (2015) 199 Final Brussels, 08/05/2015

Fourth Progress Report on the Implementation by Georgia of the Action Plan on Visa Liberalization, COM (2015) 684 Final Brussels, 18/12/2015

Reports and Legal Analysis

Special Report on Justice's Response to Sexual Violence and Exploitation against Children, Office of the Public Defender of Georgia/UNICEF, 2021

Evaluation of Implementation of Georgia's National Action Plans for Combatting Trafficking in Human Being for 2018-2018 and 2019-2020, EU4Justice, ENIGMA & ICMPD, December 2020

OSCE Special Representative and Co-coordinator for Combating Trafficking in Human Beings following the country visit to Georgia 17-19 June, 2019, SEC.GAL/54/20, 2020, available at: <https://www.osce.org/cthb/451561>

Progress Report on Implementation of 2019-2020 National Action Plan available at: <https://justice.gov.ge/files/9E0qniVIYo9l.pdf>

Annual Progress Report on Implementation of Annual Human Rights Action Plan of Georgia (2019) available at: <http://myrights.gov.ge/uploads/files/docs/5726HRAPAnnualReport-2019.pdf>

Children Living and Working in the Streets of Georgia, UNICEF (EU Human Rights 4all),
World Vision and Open Society Georgia Foundation, 2018
Countering Trafficking in Georgia: need analysis, IOM 2016
Global Report on Trafficking in Persons, 2012, UNODC available at:
https://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf

Charles Clore House
17 Russell Square
London WC1B 5JP

T 020 7862 5151
F 020 7862 5152
E info@biicl.org

www.biicl.org

A company limited by guarantee
Registered in England No. 615025



**British Institute of
International and
Comparative Law**