



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Agenda item 4

Consideration of reports of States parties

List of issues in relation to the report submitted by Georgia under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Georgia to the list of issues*, **

[Date received: 9 September 2019]

* The present document is being issued without formal editing.

** The annexes are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee.



Reply to paragraph 1 of the list of issues*Centralized System for Data Collection*

1. The Prosecutor's Office performs statistical data acquisition and processing through the electronic system of criminal proceedings. The aforementioned centralized electronic system was introduced in 2011. The main essence of its functioning lies in that all the documentation necessary for conducting investigative and other procedural actions are created by investigators working in the investigative agencies (Investigative Units of the Prosecutor's Office, Ministry of Justice, Ministry of Internal Affairs, Ministry of Defense, Ministry of Finance) and by prosecutors working in the prosecution system.

2. First of all, the system facilitates litigation and secondly, it allows statistical data to be processed electronically. For example, the investigator electronically creates and signs a registration card in the beginning of an investigation on the basis of which the official investigation shall be deemed initiated and the statistical accounting system automatically reflects Investigation Initiation Indicator. The same applies to the actions taken by the prosecutor. For example, a prosecutor electronically charges and signs a resolution against a person at the start of criminal prosecution on the basis of which the case shows an intermediate result from a legal point of view (a person acquires the status of accused) and the statistical accounting system automatically reflects Prosecution Initiation Indicator.

3. Furthermore, the Secretariat (Public International Law Department of the Ministry of Justice of Georgia) of the Interagency Council on Combating Trafficking in Human Beings (THB Council) collects the Human Trafficking related statistics from different responsible Agencies into single integrated database. The Ministry of Internal Affairs, General Prosecutor's Office and the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking proactively provide the Secretariat with the following information:

(a) Information on the human trafficking cases – number of investigations, prosecutions, cases sent to the court and convictions segregated by forms of exploitation;

(b) Information on alleged perpetrators (prosecuted persons and convicted traffickers) – number, citizenship, age, sex and imposed sanctions;

(c) Information on THB statutory victims (status granted by the law enforcement under Criminal Procedure Code of Georgia) – citizenship, sex, age, type of exploitation, country where the person was exploited, the type of service provided from the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter, compensation);

(d) Information on THB victims (status granted by the permanent group under THB council, when the person does not want to cooperate with the law enforcements) – citizenship, sex, age, type of exploitation, country where the person was exploited, the type of service provided from the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter, compensation);

(e) Police Cooperation and cooperation within the framework of mutual legal assistance on criminal matters – statistics segregated by number and countries of incoming and outgoing MLA and extradition requests, statistics segregated in number, countries and form of exploitation of outgoing police cooperation requests.

4. Based on the database and the identified cases, the Secretariat makes analysis of the recent THB trends, means and methods of exploitation in and outside of Georgia, profiles of the prosecuted and convicted persons, victims and statutory victims, as well as services of State Fund provided to them.

Reply to paragraph 2 of the list of issues*Disaggregated Data*

5. In 2016–2019 (As of 3 September) investigations on alleged child trafficking started in total 17 cases (6 for selling of minor, 10 for forced labour/labour exploitation (forced begging) and 1 for exploitation of children by their engagement in pornographic activities).

Number of Launched Investigation on the cases of trafficking in minors

Year	Trafficking of minor		
	Sexual exploitation	Labor exploitation	Buying/selling of a person
2016	-	1	1
2017	-	2	2
2018	-	5	2
2019 (as of 3 Sept)	1	2	1

6. 3 persons (1 Georgian woman and 2 Georgian men) in 1 case were prosecuted and convicted for selling 2 minors. According to the factual circumstances of the case 2 infants were sold/bought by medical personnel of the hospital in Rustavi. Two of them were imprisoned for 5 years and one for 3 years. The conviction achieved in 2016. The children were granted the statuses of statutory victim.

7. In 2018 in total 4 Georgian citizens were prosecuted for child trafficking. Out of 4 prosecutions:

- 2 individuals were prosecuted for child exploitation (forced begging) and each trafficker was sentenced to 10 years of imprisonment. The children were granted the status of statutory victim. They were referred to the LEPL Social Service Agency and have been provided with shelter and psychologists and social workers are working with them. These children have also been enrolled at school;
- 2 individuals were prosecuted for sale of a child under article 1432 §2 (b) (crime committed knowingly by the offender against a helpless person or a person who financially or otherwise depends on the offender), §3 (d) (by taking the victim abroad), (f) (with a prior agreement by a group) of Criminal Code of Georgia (both of them were Georgian women). Investigation on this case started on 19 July, 2018 and Conviction achieved on 20 December, 2018 (each of them were sentenced 9 years of imprisonment).

8. In 2019 (as of 3 September) 1 Ukrainian woman was prosecuted for selling of 10 minors. She was extradited to Ukraine. Children were transferred to Ukrainian Social Service. 2 Georgian women have been also prosecuted for forced begging of 4 children. Children were referred to THB shelter. Psychologists and social workers are working with them. The case is now ongoing. 3 persons (2 Georgian women and 1 American man) were prosecuted for exploitation of 2 children by their engagement in pornographic activities. The case is still ongoing.

Number of prosecuted and convicted persons for trafficking in minors

<i>N</i>	<i>Citizenship</i>	<i>Sex</i>	<i>Age</i>	<i>Type of exploitation</i>	<i>Socio-economic background</i>	<i>Urban or rural residence</i>	<i>The status and services granted</i>
2018							
1	Georgia	Female	62	Forced begging	Good economic background	urban	Both of them were convicted and sentenced for 10-10 years of imprisonment for forced begging of 2 female minors (On
2	Georgia	Male	60	Forced begging	Good economic background	Urban	

<i>N</i>	<i>Citizenship</i>	<i>Sex</i>	<i>Age</i>	<i>Type of exploitation</i>	<i>Socio-economic background</i>	<i>Urban or rural residence</i>	<i>The status and services granted</i>
							22 March, 2019 the persons have been convicted)
3	Georgia	Female	58	Selling	Poor economic background	urban	Both traffickers were convicted and sentenced for 9-9 years of imprisonment for selling of 1 newborn boy (On 20 December, 2018 the persons have been convicted)
4	Georgia	Female	29	Selling	Poor economic background	Urban	
2019 (as of 3 September)							
1	Ukrainian	Female	37	Selling	Good economic background	Urban	She was extradited to Ukraine
2	Georgian	Female	35	Forced begging	Poor economic background	Urban	They are prosecuted for forced begging of 4 children (3 girls and 1 boy) in 1 case. The case is still ongoing
3	Georgian	Female	22	Forced begging	Poor economic background	Urban	
4	Georgian	Female	35	Engagement of children in pornographic activities	Good economic background	Urban	Currently 2 children are identified who were involved in pornographic activities; however, law enforcements keep working for identifying more children
5	Georgian	Female	34	Engagement of children in pornographic activities	Good economic background	Urban	
6	American	Male	58	Engagement of children in pornographic activities	Good economic background	Urban	

Number of Child victims and statutory victims¹ who have received assistance

<i>N</i>	<i>Citizenship</i>	<i>Sex</i>	<i>Age</i>	<i>Type of exploitation</i>	<i>Socio-economic background</i>	<i>Urban or rural residence</i>	<i>The status and services granted</i>
2017							
1	Georgian	Female	16	Sexual Exploitation	Poor economic background	Urban	She was granted the status of victim of THB. Psychologist

¹ The Law of Georgia on Combatting Trafficking in Human Beings differentiates the status of victim of trafficking and status of statutory victim of trafficking. The status of victim of trafficking is granted to the person by a Permanent Working Group of the Interagency Council on Combating Trafficking in Human Beings consisted of three NGOs and two IOs within 48 hours based on the questionnaires of mobile group of the State Fund. The status of statutory victim of trafficking is granted by the law enforcement authorities in accordance with the Criminal Procedure Code of Georgia (CPC). The aim of the two existing statuses is to ensure victim-centered approach and immediately assist and provide the services, including accommodation with those persons who are THB victims and have no will to cooperate with the law enforcements.

<i>N</i>	<i>Citizenship</i>	<i>Sex</i>	<i>Age</i>	<i>Type of exploitation</i>	<i>Socio-economic background</i>	<i>Urban or rural residence</i>	<i>The status and services granted</i>
							and social worker worked with her. She enjoyed with the legal consultation and medical assistance as well. She was not accommodated in the shelter since she was taken back to her parents.
2018							
1	Georgian (ethnicity – Roma)	Female	7	Forced begging	Good economic situation	Urban	They were granted the statuses of statutory victim in one case. They were referred to the LEPL Social Service Agency and have been provided with the shelter, psychologists and social workers are working with them. These children have also been enrolled at school.
2	Georgian (ethnicity – Roma)	Female	7	Forced begging	Good economic situation	Urban	They were granted the status of statutory victim. He is under the foster care and the government supports his well-being.
3	Georgian (ethnicity – Azeri)	Male	Newborn	Selling	Poor economic background	Urban	
2019 (as of 3 September)							
1	Georgian (ethnicity – Moldavian Roma)	Male	8	Forced begging	Bad economic situation	Urban	They were granted the statuses of statutory victims of THB (in 1 case). They were accommodated in the THB shelter granted the psychological assistance, then moved to foster care (all of them in one family) and the government supports their well-being.
2	Georgian (ethnicity – Moldavian Roma)	Female	6	Forced begging	Bad economic situation	Urban	
3	Georgian (ethnicity – Moldavian Roma)	Female	9	Forced begging	Bad economic situation	Urban	
4	Georgian ethnicity – Moldavian Roma)	Female	11	Forced begging	Bad economic situation	Urban	

9. Detailed disaggregated data on criminal prosecution of crimes related to sale of children, child prostitution and child pornography under relevant provisions of the Criminal Code of Georgia is provided in Annex 1.

Reply to paragraph 3 of the list of issues

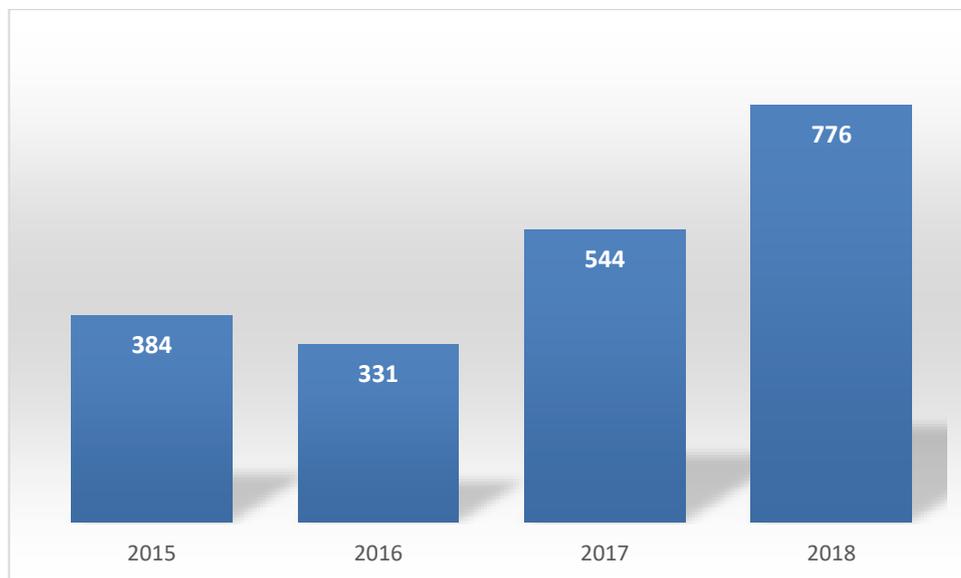
Activities of the Child Rights Centre

10. The Child’s Rights Centre of the Public Defender’s Office was first established in 2001. In November 2018, Centre became Child’s Rights Department of the Public Defender’s Office. At the moment, 7 people are employed at the department, one of whom is a manager, three are chief specialists and three project staff members.²

11. Child’s Rights Department of the Public Defender’s Office regularly monitors the situation regarding the protection of the children’s rights in the country. Quality of the protection of the rights of the child is assessed in the highland regions of Georgia, preschool institutions, public schools, boarding schools, daycare centers, 24-hour shelters, children’s healthcare institutions, the various alternative care institutions, also children’s detention facilities, IDP settlements etc. In some cases, monitoring is conducted with the involvement of the National Preventive Mechanism experts, who represent professionals with various backgrounds such as medicine, psychology, law, etc. It is noteworthy that the methodology of the monitoring each time is elaborated with the involvement of relevant field professionals as well as statistical information obtained through the monitoring is always processed with the involvement of contracted statisticians and analysts.

12. Apart from the monitoring child’s rights department carries out the individual case management addressing the poverty and inadequate living conditions of children, various forms of violence against a child, right to education, etc.

See the numbers of individual case studies conducted by the department through the years



13. Any person, amongst them children, can appeal to the Public Defender of Georgia, by submitting a written application to central or 9 regional offices, by calling on the hotline, through reaching out on social media, or e-mail. The department also starts to study the individual child’s rights violations based on the information obtained as a result of the monitoring or media. Therefore, the Child Rights Department can effectively receive, examine, and address complaints under the Optional Protocol, in a child-sensitive manner. However, there had been a handful of such cases and even fewer applicants.

² Project “strengthening the Capacity of the Public Defender’s Child’s Rights Center” supported by the United Nations Children’s Fund (UNICEF).

14. Case proceedings and the monitoring process is always based on basic principles developed by the High Commissioner for Human Rights such as gathering reliable and accurate information, confidentiality, credibility, impartiality, objectivity, sensitivity, professionalism, etc.

Reply to paragraph 4 of the list of issues

Resources

15. Government of Georgia acknowledges that combating trafficking, including sale and sexual exploitation of children requires concerted interagency policy. In this respect the role of the Interagency Council on Combating Trafficking in Human Beings (hereinafter – THB Council) set up in 2006 remains indispensable in adopting serious and sustainable measures on combating THB. The Council chaired by the Minister of Justice of Georgia is the major policy shaper with regard to combating trafficking and includes representatives from all line ministries and agencies (Ministry of Internal Affairs, Office of the Prosecutor General, Ministry of Foreign Affairs, Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs, Ministry of Economy and Sustainable Development, Ministry of Education, Science, Culture and Sports, LEPL State Fund for the Protection and Assistance of (statutory) Victims of Trafficking and Public Defender’s Office, etc.). Furthermore, NGOs and international organizations are actively involved in the activities of the Council.

16. The THB Council has its Secretariat (the Public International Law Department of the Ministry of Justice of Georgia) which supports the efficient operation of the THB Council.

17. The functions of the THB Council are the following:

(a) Support and coordinate the implementation of the measures taken by relevant Governmental Agencies for prevention, investigation and prosecution of THB cases, as well as protection and assistance of victims and statutory victim of THB;

(b) Identify the THB related challenges, elaborate the legislative and practical measures in response to them and refer to the Government of Georgia with proposals and recommendations in this regard;

(c) Cooperate with state institutions, NGOs, International Organizations and partner states;

(d) Approve the Anti-Trafficking National Action Plans (NAP), monitor their implementation and develop the progress reports.

18. Temporary thematic working groups under the THB Council are periodically established. Working groups are consisted of relevant Governmental Agencies, NGOs and International Organizations.

19. In every two years, the THB Council approves 2-years National Action Plan under which responsible Governmental Agencies undertake commitments regarding Prevention, Prosecution, Protection and Partnership. In addition, particular attention is also paid to the capacity building activities and the development of Anti-Trafficking Policy through researches (Currently, NAP for 2019–2020 is in place).

20. The 2019–2020 Action Plan is elaborated with the active involvement of all Governmental Agencies, Public Defender’s Office, Parliament of Georgia, NGOs, and International Organizations. Their recommendations and feedback are reflected to the NAP. Furthermore, during the elaboration process of the draft NAP recommendations of GRETA, US State Department and International Organizations are taken into consideration and reflected to the NAP. Notably, THB Council also took into account the practice of the ECHR and incorporates the standards of the Court case law while designing the Anti-Trafficking policy.

21. The state authorities are implementing respective obligations under the Protocol within the recourses allocated from the budget.

Reply to paragraph 5 of the list of issues*National Strategy of Human Rights*

22. Child rights are one of the objectives of the National Strategy on Human Rights for 2014–2020. As an instrument to implement the strategy, the Government approved the first National Human Rights Action Plan for 2014–2015 in 2014. The subsequent action plans covered the period of 2016–2017 and 2018–2020. All of the mentioned action plans include the activities aiming at preventing the sexual exploitation of children and developing the rehabilitation services for the victims of sexual abuse.

23. Chapter 20 of the National Action Plan also regulates the objectives and specific activities on Human Trafficking, including awareness raising of general population and capacity building activities for different target groups (law enforcements, staff working with victims, etc.), improvement of services and rehabilitation programs for victims of trafficking, etc.

24. Apart from the NAP on Human Rights, as mentioned above there are a special National Action Plans for Combatting Human Trafficking since 2006 focused on prevention, protection, prosecution, partnership, capacity development activities and various researches/analysis for improvement of Government's response against Human Trafficking. Special attention is paid to prevention and protection of children from any kind of exploitation. Since 2016, the THB Council approved the NAPs for 2017–2018 and 2019–2020 (please see Annex 2 – A-THB NAP for 2017–2018 and annex 3 – A-THB NAP for 2019–2020).

25. In order to ensure the effective implementation of the UN Convention on the Rights of Child and its optional protocols, the interagency Commission responsible for the CRC Convention and its protocols was established in 2016. The Commission is chaired by the Head of the Human Rights Secretariat and the ministries are represented at the deputy ministerial level. It also includes legislative and judiciary branch of the government. *Public Defender's* office, CSOs and UNICEF are also engaged in the activities of the Commission.

26. Government of Georgia devotes special attention to the provision of equality, ensuring civic integration and preserving national minorities' culture. The state civic integration policy is implemented through various mechanisms, among them State Strategy for Civic Equality and Integration and Action Plan for 2015–2020 which is under implementation. The civic integration policy aims to improve engagement of ethnic minorities in civic and political life, as well as in social-economic processes, expand access to quality education, including knowledge of state language, and preserve their culture and identity, also further strengthening of a tolerant environment.

Reply to paragraph 6 of the list of issues*Children in Vulnerable Situations*

27. Government pays particular attention to the protection and prevention of trafficking among minors, especially those who are living and working in the streets. To address the issue on 22 June 2016, relevant legislative amendments were adopted by the Parliament in up to 10 legal acts aiming at (1) providing children in street situation with free of charge identification documents and (2) strengthening the role of social workers to remove the child from the family or separate minor from the perpetrator in urgent cases. The relevant bylaws were also amended aiming at creating legal basis to provide ID cards to the children in street situations with free of charge. The legal amendments were enacted on 10 August, 2016.

28. As a result of new amendments in 2016–2019 (as of 2 August) the LELP Public Service Development Agency operating under the Ministry of Justice issued temporary identification documents for 33 children (23 homeless and 10 victim of violence) based on the application of LEPL Social Service Agency (SSA) of the Ministry of Internally Displaced Persons from Occupied Territories, Labor, Health and Social Affairs.

29. On September 12, 2016, the Government approved a new Child Protection Referral Mechanism which has extended the list of responsible entities to refer the child violence cases, including THB related cases, to relevant agencies. In particular, all governmental institutions and their structural units, legal entities of public law subordinate to government agencies, kindergartens, general educational institutions, sports and arts schools, medical service providers of all kinds, including community physicians, as well as local municipalities have a duty to refer the possible cases of child violence to both the Social Service Agency and the Police. The failure to report such cases to the relevant state bodies by persons involved in the child referral mechanism will invoke administrative liability. It is noteworthy that unlike the previous referral instrument which was adopted by the joint order of three line ministers, the new one is upgraded to a higher level and has been approved by the Government.

30. The database will put together information about the child victims, perpetrators, forms of violence, etc. It will be technically administrated by the police and will be accessible to all the agencies involved in the referral proceedings.

Referral Statistics

31. In 2018, 3334 cases of violence were reported by the LEPL Social Services Agency, out of which 2 minors were victims of trafficking; (children were placed in state care). There have been 1 report of internet violence. The minor was given procedural representation and the family counseling was provided.

32. In 2019 (6 months) there were 1,900 referrals on alleged violence cases. 4 of them are victims of human trafficking. (Children were placed in the state care). In 2019 internet violence has not been referred to the LEPL Social Services Agency.

33. In 2019, there were 29 referrals of possible violence from social agents to social workers.

34. In order to identify children working and/or living in the streets, 6 mobile groups under the Ministry of IDPs, Labor, Health and Social Affairs is in place since 2013. These mobile groups work in Tbilisi, Kutaisi and Rustavi and are comprised of psychologist, peer educator, driver/logistics officer. Mobile Teams are spearheaded by state senior social workers. The teams conduct the mapping and identify most populated and visited places by the beneficiaries to provide outreach service for children in street situations. Initially, the mobile teams introduce the approach, vision and mission of the sub program and if a child obeys the mobile team senior social worker becomes authorized to assess him/her with the special assessment tool created by all state and non-state stakeholders. After child is identified he/she can be enrolled by an authorized State Senior Social Worker in the appropriate service (6-day care centers and 6 shelters).

35. Starting from 2014 the state senior social workers of the Social Service Agency have reached and identified about 1,556 children living or working in the streets in 3 cities Tbilisi and Kutaisi and Rustavi.

36. In 2015, 232 children have been enrolled in various services of State sub-program (Day-care Services and 24 Hour Shelters). 10 minors were accommodated in foster care and 9 beneficiaries in a small family-type home, 6 minors were reintegrated in 2015.

37. In 2016, the mobile groups working within the framework of a sub-program providing shelter for homeless children, established contact with 298 homeless children, 239 children have used the Day Care Centre (162) and 24-hour shelters (77). 2 minors were accommodated in foster care and 6 beneficiaries in a small family-type home, 14 minors were reintegrated.

38. In 2017, the mobile groups working within the framework of a sub-program providing shelter for homeless children, established contact with 332 homeless children throughout Tbilisi, Rustavi and Kutaisi. 270 children have used the Day Care Centre (186) and 24-hour shelters (84), from which 27 were Roma. 6 minors were accommodated in foster care and 6 beneficiaries in a small family-type home, 14 minors were reintegrated. Within the framework of group working on the educational needs, the Ministry of Education and Science had provided special educational services at all the service centers

under the aforementioned sub-program. In particular, special education teachers were allocated to Tbilisi and Rustavi Centers, where they had been working on enhancing the functional, academic and cognitive skills of the beneficiaries, in sum, 74 children were involved.

39. In 2018, the mobile groups working within the framework of a sub-program providing shelter for homeless children, established contact with 355 homeless children throughout Tbilisi, Rustavi and Kutaisi. 280 beneficiaries have used the Day Care Centre and 24-hour shelters, from which 36 were Roma. 3 minors were accommodated in foster care and 11 beneficiaries in a small family-type home. Within the framework of group working on the educational needs, the Ministry of Education and Science of Georgia had provided special educational services at all the service centers under the aforementioned sub-program. In particular, special education teachers were allocated to Tbilisi and Rustavi Centers, where they had been working on enhancing the functional, academic and cognitive skills of the beneficiaries, in sum, 136 children were involved.

40. As of July 2019, the mobile groups established contact with 216 homeless children throughout Tbilisi, Rustavi and Kutaisi, 210 beneficiaries have used the Day Care Centre and 24-hour shelters, from which 24 were Roma. Four minors were placed in foster care.

41. Within the frames of the State programme of social rehabilitation and child care, two mobile groups were created and added to the sub-programme for children living and/or working on the streets (Tbilisi and Rustavi).

42. Apart from the Social Service Agency, mobile groups of the Ministry of Internal Affairs and Task Force also proactively interview children working and/or living in the streets.

43. Notably, Special activities under the Anti-Trafficking National Action Plans for 2017–2018 and 2019–2020 are devoted to prevention and protection of children in street situations (see annexes 2 and 3). The implementation of the obligations undertaken by the mentioned NAPs is monitored by the Secretariat (Public International Law Department of the Ministry of Justice of Georgia) of the THB Council.

44. In order to improve the identification process of homeless children and make it more effective, on October 13, 2016, the Ministry of Justice of Georgia announced grant competition for NGOs aiming at identification of and supporting of reintegration of the homeless children in the society. The Grant Program amounted of total 54000 GEL. Within the framework of the project NGOs were tasked to identify new places where children work and/or live, identify the kids and new locations of children during the nights and weekends, support the reintegration of the homeless children in the society, provide children with educational, social, cultural, sports or other kind of programs.

45. As a result of the quantitative research, NGO identified about 105 children in street situations. Among the children there were Georgian, Azeribaijani, Moldavian, Roma and children of other ethnic origin. Most of the children aged up to 14 are girls, while majority of the identified boys are from 16 to 18 years old. These children are mostly from dysfunctional families, where a child has only one parent or has another guardian, not a biological parent.

46. The research also identified economic conditions, low level of education of the family and cultural matters (especially in case on minorities) as the factors making the kids to work and/or live in streets.

47. According to the research, children are mostly occupied by begging, selling various items (flowers, icons, etc.) and physical work (e.g. transportation of goods).

48. In 2018, the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, UNICEF, World Vision Georgia and Foundation Open Society Georgia decided to carry out a new qualitative research to better study the “street children” phenomenon and related institutional systems to improve relevant policy, services and institutional environment in Georgia.

49. A steering committee composed of all engaged stakeholders: Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of

Georgia, LEPL Social Service Agency, Ministry of Internal Affairs, Ministry of Justice, Ministry of Education, Science, Culture and Sport, UNICEF, World Vision, Open Society Georgia Foundation, Caritas Georgia, Save the Children, ILO and Public Defender's Office of Georgia has been established to supervise the study. The steering committee approved the description of qualitative study and based on open tender selected a Norwegian research organization (Fafo). The committee was actively engaged in the process of the study and was considering the methodology, interim and final results.

50. Based on the study the Steering Committee elaborated recommendations addressing the findings and challenges linked to children in street situations. One of the main recommendations was to elaborate unified state vision and national policy related to children living and working in the streets. In response to it, Government has already started the drafting of national strategic document on children in street situations. Before drafting, the Ministry of Justice requested and analyzed information from EU and EAP countries on legislative and institutional framework addressing street begging and protection of children in street situations. Furthermore, on 8–19 October, 2018 the Ministry hosted an American expert to share the experience of the state of California in this field.

51. In 2018, the Ministry of Justice issued another one-off grant of GEL 25,000 to one NGO in order to conduct awareness raising activities in ten big cities of Georgia and to make a video. Within the grant project, in April–May, 2018 NGO conducted information meetings with different target groups, such as students, pupils, teachers, local population, etc., produced and disseminated information materials in 6 languages (Georgian, English, Russian, Azerbaijani, Armenian and Turkish). The aim of grant project was to raise awareness of population about THB related issues, especially THB risks related to children in street situations.

52. The Central Criminal Police Department (CCPD) closely cooperates with LEPL Social Service Agency of the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs in order to prevent and reveal the facts of buying or selling of minors or any other unlawful transaction with respect to minor for the purpose of their adoption. Relevant law enforcements study the cases of adoption and interview adoptive and biological parents. For example, in 2018 law enforcements have examined more than 32 cases of child adoption. As a result of conducted investigative and operative activities 1 investigation has been launched on the fact of selling minor under Article 1432 of the Criminal Code of Georgia (child trafficking), 6 investigations have been initiated on unlawful transactions with respect to minors for the purpose of their adoption and making and use of forged documents under article 172 (Unlawful transactions with respect to minors for the purpose of their adoption) and 362 (Making, sale or use of a forged document, seal, stamp or blank forms) of the Criminal Code of Georgia.

53. In addition, to prevent the THB among minors public awareness raising campaigns on human trafficking issues are regularly conducted throughout Georgia. For the effective implementation of the preventive measures, THB Council elaborated Common Information Strategy on combating human trafficking with specially identified vulnerable target groups, regions and means of implementation. The Strategy was approved by THB Council on February 12, 2014. It should be underlined that such information strategy and action plan is quite unique in our region.

54. Within the framework of the Strategy various awareness raising activities, including information meetings, conferences, round tables, discussions and moot court competitions with different target groups such as pupils, students, children in street situations, minorities, employers and employees, IDPs and rural population are organized throughout Georgia jointly or separately by Ministry of Justice, Ministry of Internal Affairs, General Prosecutor's Office, State Fund, Labor Inspectorate Department and Social Service Agency. In 2016–2018 up to 7500 persons participated (direct participation) in awareness raising activities throughout Georgia.

55. Information leaflets (on Georgian, English, Russian, Azeri, Armenian and Turkish languages) are largely being disseminated in big cities and rural areas, at state borders and consular units.

56. TV and radio shows and advertisements are frequently devoted to THB issues.

57. The Government of Georgia also prioritizes prevention of trafficking through enhancement of education in secondary and high schools. In this regard, issues related to the human trafficking is largely covered by the national curriculum for 2017–2023.

58. The LEPL State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking” (hereinafter the State Fund) has been functioning under the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia. The State Fund implements multipurpose activities, including two Child Care Institutions, which structurally are under its governance, such as Tbilisi infant house (54 beneficiaries) and Kojori Disabled children`s house (28 beneficiaries). The State fund takes steps to prevent children from becoming victims of offences under the Optional Protocol, the measures include regular meetings with staff and informing them about threats and protection mechanisms. The state fund has organizational mechanism in place to monitor and address any misconduct or violation of organizational protocols and relevant procedures. The LEPL Social Service Agency plays an important role in child protection and prevention of violence, as central agency of guardianship and custody.

59. The Government has approved the new methodology by Decree №758 of December 31, 2014 on “approval of the assessment methodology of socio-economic conditions of socially vulnerable families (households)” otherwise known as Targeted Social Assistance, which entered into force in 2015. The methodology is oriented to target the most vulnerable households and takes into account family income (or income-generating property), accordingly.

60. Since November 2018, child protection referral procedures have been introduced to improve coordination between social agents and social workers and to promptly respond to the needs of children under 16 in vulnerable families, by filling out a “child declaration” based on the amendments made to the Order N 141 /n of the Minister of Labour, Health and Social Affairs of May 20, 2010 “On the Approval of the Rule of Assessment of the Socio-Economic Conditions of Socially Vulnerable Families”.

61. Based on statistical data of the LEPL – Social Service Agency, from November 2018 to July 2019, a total of 43011 “child declarations” were filed nationwide, 906 (2.11%) Declarations were redirected to the social workers. Most number of declarations – 7,797 were filled in Tbilisi and 6221 declarations in Adjara. The least number of declarations (492) were filled in Racha-Lechkhumi-Kvemo Svaneti. The redirection rate is the highest in Tbilisi – 2.83%, followed by Samegrelo-Zemo Svaneti – 2.58%, almost equal in Kakheti and Mtskheta-Mtianeti – 2.53%.

62. Regarding the religious residential care institutions, 2 institutions of Patriarchate of Georgia for children lacking parental care are functioning across the country:

(a) Not-for-profit (non-commercial) legal entity “St. Nino Boarding House for Orphans, Waifs and Children in Need of Care”, the Patriarchate of the Georgian Orthodox Church (94 beneficiaries);

(b) Not-for-profit (non-commercial) legal entity “St. Apostle Matthias Foundation’s Boarding School in Village Feria”, the Patriarchate of the Georgian Orthodox Church (108 beneficiaries).

63. In order to prevent the children in vulnerable situations from becoming victims of offences under the Optional Protocol and on the efforts made to ensure their access to justice, the social workers of the LEPL – Social Service Agency conducts monitoring and supervision in child care state institutions; Also, the program monitoring unit of Social Protection Department of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia conducts planned and ad hoc visits to the state care facilities to check child care standards.

64. Public Defender’s Office conducts monitoring of Child rights within the mandate of the National Preventive Mechanism.

65. Information/awareness raising campaigns for ethnic minority women. Meetings in the frames of the project “Youth for Gender Equality” (funded by USAID) are intensively conducted for ethnic minority women on domestic violence, trafficking, early marriages

issues. In 2017–2019/05, 282 meetings were held by trained volunteers in 196 villages of 21 municipalities, attended by 7,849 participants, among them young people and their parents. The relevant materials are prepared and disseminated in the languages of ethnic minorities. Hot line is operational addressing domestic violence issues and available for ethnic minority representatives in their native languages.

66. Information/awareness raising campaign. Large-scale information/awareness raising campaigns are carried out on regular basis for ethnic minority population, among them schoolchildren and young people, also in their native languages. The campaigns cover delivery of information and materials on human rights, antidiscrimination, civic integration policy, education, social-economic benefits and services, women's rights, domestic violence.

67. Special focus is given to the integration of ethnic minority young people through education, further improvement of knowledge of state language, active involvement in civic processes. Ethnic minorities have access to all levels of education (preschool, general, higher, vocational), also in their native languages. Up to 300 non-Georgian language public schools and sectors function in Georgia. These schools are provided with relevant educational resources /materials.

68. In 2016–2017 academic year 114 teacher-consultants and 136 teacher-assistants in the subjects of Georgian language, geography and history were positioned at non-Georgian schools of Kvemo Kartli, Samtskhe-Javakheti and Kakheti regions; In 2018–2019 academic year 117 teacher-consultants; 111 teacher-assistants and 50 bilingual teacher-assistants were deployed in non-Georgian language schools.

69. “1+4” Program, which offers simplified procedures for the representatives of ethnic minorities to enroll in higher education institutions of Georgia, remains successful among ethnic minority students. And in compare to previous years there is a substantial increase of the number of students. [Statistical data: According to the official data, in 2010 247 non-Georgian entrants were enrolled at HEIs, in 2011 – 430, in 2012 – 589, while the number for 2013 equaled to 890 students, in 2014 – 673 and 2015 – 741, in 2016 – 960; in 2017 – 1,047; in 2018 – 1,231].

70. Education of Roma children: Special educational sub-program “Supporting Social Inclusion” which aims at integration of children, also Roma children, into formal education is under implementation. Within the program, educational clubs are introduced in the regions of compact settlement of Roma where Roma children together with their ethnic Georgian peers are carrying out various educational and cultural activities, including Georgian language classes. As an outcome of the program, the number of children studying Georgian language as well as the number of Roma children attending public school increased from 88 in 2015 to 289 in 2017. Since 2016 school-bus has been operating for Roma children in the village of Gachiani of Gardabani municipality for free. Active work is carried out with Roma children parents. During 2016 training module aimed at raising awareness on Roma among schoolchildren was elaborated; conferences, seminars and workshops on Roma problematic were conducted with participation of Roma community representatives, civil society and international actors. Infrastructural projects are implemented in the places of compact settlement of Roma. Roma young people regularly participate in cultural activities aimed at popularizing their culture and presenting cultural diversity of the country.

71. Various educational-cultural programs/projects and activities are conducted with participation of ethnic minority schoolchildren and young people, among them workshops, concerts, conferences, performances, essay competitions, exhibitions, etc.

72. A special state internship program at public service for ethnic minority young people, beneficiaries of “1+4” Program, became very popular and the number of participants involved has substantially increased and equaled to 269. This internship program potentially contributes to further involvement of ethnic minority representatives in public administration and in general, to civic integration processes.

Reply to paragraph 7 of the list of issues*Raising Awareness of Private-Sector Entities*

73. The Criminal Code of Georgia imposes liability not only on individuals, but also on legal persons for committing human trafficking. Legal person shall be punished by deprivation of the right to carry out activities or with liquidation and a fine.

74. Article 2 paragraph 6 of the Labor Code of Georgia obliges the Parties, in particular employers and employees to safeguard the basic human rights and freedoms under the legislation of Georgia.

75. Furthermore, the Law of Georgia on Labour Migration was adopted by the Parliament of Georgia on 1st of April, 2015. The Law regulates relations falling within the field of labour migration which are related to the provision of employment for persons (citizens of Georgia, aliens holding a permit for permanent residence in Georgia, and stateless persons having status in Georgia) and to their paid labour activities outside Georgia.

76. According to article 7 of the Law on Labour Migration a legal person, an individual entrepreneur, or a branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity acting in the field of providing employment and/or assistance in the provision of employment outside Georgia, is obliged to register the relevant activity in the registry of economic activities in accordance with procedures and provisions established by the legislation of Georgia.

77. Employment and/or assistance in the provision of employment outside Georgia without registration of the relevant activity in the registry of economic activities is prohibited and punishable by the administrative liability, in particular, by a fine of 500 GEL. The same offence committed repeatedly shall result in the imposition of a fine of 1000 GEL.

78. Notably, the mobile groups of the Ministry of Internal Affairs of Georgia and the Task Force regularly monitor persons and organizations which offer employment in or outside of the country; organizations which ensure transportation for persons leaving the country; travel agencies; enterprises which employ foreigners, organizations and persons provided visa assistance.

79. Apart from this, the Labour Inspectorate Department of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia keeps checking of private and state institutions in order to reveal the facts of human trafficking. Since January 2019, under the department, one special group is dedicated to this issue. If the Labour Inspector, while checking the private companies, doubts that there are some signs of forced labour or labour exploitation, he/she immediately refers the case to the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia for further check.

80. The Labour Inspectorate Department also conducts awareness raising activities for employers and employees on the risks of forced labour and labour exploitation.

81. The Ministry of Internal Affairs of Georgia (hereinafter referred to as the MIA) pays particular attention to the minors who are living and working in the streets. Representatives of the MIA with its staff of service providers conduct informative meetings for the minors working on the street and provide information regarding violence, abuse, exploitation and self-defense.

82. Children in street situations are at risk to become a victim of exploitation. Therefore, the MIA takes special measures to timely reveal facts of trafficking among children living and working on the streets. As a result, the law enforcers investigated several cases of forced begging.

83. With the aim of responding to a domestic violence cases and protect victims from an offender, the police reacts to the facts of domestic violence by going on spot as soon as the notice has been received. In case of violence, police officer fills out a risk assessment document in order to identify risks coming from a violator. Based on the Risk Assessment Document, Restrictive Order with several restrictions might be issued by the authorized

police officer. If the fact contains the elements of crime, investigation will be commenced under the relevant article of the Criminal Code of Georgia.

84. In order to better monitor the compliance with the requirements contained in the Restrictive Order, special instruction has been elaborated for police officers who are responsible for monitoring. They monitor the implementation process through having vigorous communication and conducting visits to the victim and the offender according to the level of risk set by the Protocol of the Restrictive Order.

85. Risk Assessment mechanism and monitoring tool were integrated in the Protocols and were adopted by the Ministerial Order that entered into force on September 1, 2018.

86. If domestic violence has been conducted against child, the police refers the case to the LLP Social Service Agency pursuant to the National Child Protection Referral Mechanism.

87. LEPL National Tourism Administration has elaborated Anti-Trafficking Informational Flyers with the assistance of International Organization of Migration, US State Department, MIA and the State Fund. The flyers are available at the informational centers.

88. In September 2017, the Department of Labor Inspection and the Social Service Agency conducted joint trainings on child labor exploitation and trafficking in Guria and Adjara regions. Speakers reviewed existing legislative framework and discussed practical experiences.

Reply to paragraph 8 of the list of issues

Legislative Measures

89. Sale and sexual exploitation of children is explicitly criminalized under Article 1432 of the Criminal Code of Georgia since 2003. The sanction for this crime is imprisonment from 8 to 15 years. If It is committed in aggravating circumstances the term for imprisonment increases up to 17 years, if this act caused the death of minor, the perpetrator will be punished by imprisonment from 17 to 20 years or by life imprisonment.

90. Liability of legal person for trafficking in human beings is also regulated under Criminal Code of Georgia. Namely, legal person will be punished by deprivation of the right to pursue its business or by liquidation and fine:

“Article 143³ – Child trafficking

(1) Purchase or sale of children, or other unlawful transactions in relation to them, as well as their recruitment, carriage, concealment, hiring, transportation, provision, harbouring or reception for exploitation, – shall be punished by imprisonment for eight to twelve years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years.

(2) The same act committed:

(a) by the offender knowingly to a pregnant women;

(b) knowingly by the offender against a helpless person or a person who financially or otherwise depends on the offender;

(c) by abusing the official position, – shall be punished by imprisonment for a term of 11 to 15 years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years.

(3) The same act committed:

(a) repeatedly;

(b) using coercion, blackmail or deception;

³ For the act defined in this article, a legal person shall be punished by a fine, with deprivation of the right to carry out a particular activity or by liquidation and a fine.

- (c) against two or more children;
 - (d) by taking the victim abroad;
 - (e) using violence or threat of violence dangerous for life or health, – shall be punished by imprisonment for a term of 14 to 17 years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years.
- (4) The act provided for by paragraphs 1, 2 or 3 of this article:
- (a) committed by an organised group;
 - (b) causing the death of the victim or other grave consequences, – shall be punished by imprisonment for a term of 17 to 20 years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years or with life imprisonment.

Note: For the acts provided for by this article, a legal person shall be punished by deprivation of the right to carry out activities or with liquidation and a fine.

Exploitation is explicitly defined under article 1431 (Trafficking in adults) of the Criminal Code of Georgia, according which the following shall constitute exploitation for the purpose of gaining material or other benefit:

- (a) inducing a person to perform labour or other services;
- (b) inducing a person to provide sexual services;
- (c) engaging a person in criminal activities, prostitution, pornographic or other anti-social activities;
- (d) removing, transplanting or otherwise using an organ, part of an organ or tissue of the human body by force or deception;
- (e) subjecting a human being to practices similar to slavery or to modern-day slavery. Subjecting a human being to modern-day slavery shall mean creation of such conditions when the person performs certain work or renders services in favour of another person in return for payment, inadequate payment or without payment, and he/she is not able to change these circumstances because of his/her dependence on that person. Dependence on a person may be caused by, among other things:
 - (e.a) confiscation, control or intentional unlawful handling of personal identification documents;
 - (e.b) restriction of the right to free movement or control of free movement;
 - (e.c) restriction or control of communication (including correspondence and phone calls) with family members or other persons;
 - (e.d) creation of coercive or threatening environment.”

91. The Criminal Code of Georgia does not explicitly criminalize online sale of sexual exploitation of a child, however, if such acts are committed online, the perpetrator will be liable under article 1432 of the Criminal Code of Georgia (Child Trafficking).

92. Furthermore, Article 172, 172¹ and 173 criminalized acts related to child adoption:

“Article 172 – Unlawful transactions with respect to minors for the purpose of their adoption

- (1) Purchase of a minor or any other unlawful transaction with respect to a minor for the purpose of their adoption – shall be punished by a fine or imprisonment for up to a year.
- (2) The sale of a minor or any other unlawful transaction with respect to a minor for the purpose of their adoption, – shall be punished by imprisonment for a term of two to five years.

Article 172¹ – Preliminary selection of pregnant women and creation of opportunities for taking pregnant women out of Georgia for childbirth or assistance in such placement for adoption

(1) Preliminary selection, for adoption purposes, of pregnant women and creation of opportunities for taking pregnant women out of Georgia for childbirth or assistance in such placement for adoption, – shall be punished by imprisonment for a term of three to seven years.

(2) The same act committed repeatedly or by more than one person, – shall be punished by imprisonment for a term of six to nine years.

Article 173 – Violation of child adoption procedure or foster care procedure

(1) Violation of the child adoption procedure or the foster care procedure, which has resulted in grave consequences, – shall be punished by a fine or corrective labour for up to two years, or with imprisonment for up to two years.

(2) The same act committed by abusing one’s official position, – shall be punished by a fine or imprisonment for up to four years, with or without deprivation of the right to hold an office or to carry out activities for up three years.”

Information on criminalization of all forms of child prostitution and child pornography

93. Article 253, paragraph 2 (b) criminalizes engagement of a minor knowingly in prostitution by using violence, threat of violence or of destruction of property, blackmail or deception. The commission of this crime is punishable by imprisonment for a term of five to seven years.

94. New crime – pimping was introduced in the Criminal Code of Georgia on 12 June, 2018. In particular, persuading an adult on prostitution or committing other non-violent act aiming at promotion of involvement of a person into prostitution has been criminalized under Article 254, paragraph one and is punishable up to 2 years of imprisonment. If the same crime is committed against a minor, the sanctions varies from 3 to 6 years of imprisonment.

95. After enactment of the legislative amendments, on July 11–12, 2018, the Ministry of Justice of Georgia conducted training for investigators and prosecutors aiming at introducing them the new crime – pimping and accompanied legislative changes in the criminal and criminal procedure codes of Georgia. In total 55 participants (36 investigators and 19 prosecutors) attended the training.

96. Article 255, paragraph 2 criminalizes knowingly purchasing, storing, attending the demonstration of, offering, disseminating, transferring, advertising, providing access to or using pornographic work containing images of minors and applies a fine or corrective labour for up to two years and/or imprisonment for up three years as a sanction.

97. Knowingly making or selling pornographic work containing images of minors is punished by imprisonment for three to five years.

98. If the mentioned acts are committed repeatedly, the offender will be imposed imprisonment for four to six years.

99. The article 255 also clarifies what should be considered as child pornography, child pornographic materials and what does not fall within the scope of the present Article. In particular, a pornographic work containing images of minors shall mean a visual or audio-visual material produced by any method, also a staged performance which, using various means, depicts the participation of minors or of characters with the appearance of a minor in the actual, simulated or computer-generated sexual scenes or displays genitalia of a minor for the gratification of a consumer’s sexual needs. A work shall not be considered to be pornography if it has medical, scientific, educational or artistic value.

100. Article 2551 prohibits engagement of a minor in the illegal production of a pornographic work or any other item of pornographic nature, and dissemination, advertisement or sale of such material. Such crime is punishable by imprisonment for a

term of two to five years. The same act committed repeatedly shall be punished by imprisonment for three to six years.

101. Apart from this, Article 2552 of Criminal Code of Georgia imposes criminal sanctions for proposing a meeting knowingly made by an adult to a person under the age of 16 by using information and communication technologies for the purpose of committing the offence defined in Article 140 (Penetration of a sexual nature into the body of a person below the age of 16) or Article 255 (Illegal making or sale of a pornographic work or other items), where the offer was followed by actions directed towards the holding of such a meeting, such crime shall be punished by imprisonment for one to three years.

Reply to paragraph 9 of the list of issues

Surrogacy

102. Surrogacy is regulated by the Law of Georgia on Health Care. According to Article 143, extracorporeal fertilization is permitted if a woman has no uterus. In this case, the embryo resulting from fertilization is placed in the uterus of the surrogate mother. If a child is born, the couples are deemed as parents, whereas the donor or the “surrogate mother” does not have the right to be recognized as the parent of the born child.

103. Special amendments and Ministerial Order were introduced in Georgian legislation aiming at reducing the risks of child trafficking respectively in March and April 2016. The amendments restrict any possibility to take child born through surrogacy out of Georgia in contradiction to the Georgian legislation and due process of law. The amendments serve the best interest of minors and ensure the protection of children from any type of violence or exploitation abroad, including trafficking in human beings. In particular, according to the amendments a child born through surrogacy might leave Georgia if the both parents are indicated in the birth certificate issued by LEPL Public Service Development Agency (PSDA) of the Ministry of Justice of Georgia.

104. According to the Joint Order enacted on 11 April 2016, the data about the children born through extracorporeal fertilization (surrogacy) duly protected by the PSDA is accessible for the Ministry of Internal Affairs of Georgia (MIA), which conducts the passport control at the border crossing points. If during the passport control, the MIA identifies that the child born through surrogacy is being taken from Georgia for the first time and both parents are not indicated in the birth certificate issued by PSDA, authorized official of MIA will not let the accompanied persons to take the child out of Georgia.

Reply to paragraph 10 of the list of issues

Extraterritorial jurisdiction

105. The Criminal Code regulates aspects of exercise of criminal jurisdiction on crimes committed on the territory of Georgia, as well as on crimes committed outside its boundaries by applying principles of territorial, extraterritorial and universal jurisdictions.

106. Citizen of Georgia as well as the person with stateless status in Georgia, who has committed crime abroad under the Georgian criminal legislation that is also regarded as a crime under the legislation of the state in which it was committed, shall bear criminal liability under the relevant provisions of the Georgian Criminal Code. In case when illegal act is not considered as a crime in the state of its commission Georgian citizen or the person with stateless status in Georgia shall be liable under the Georgian legislation if it is grave or especially grave crime directed against interests of Georgia and/or if responsibility for such crime is envisaged by international treaty of Georgia.

107. Citizen of a foreign state as well as the stateless person who has committed illegal act abroad envisaged by the Georgian criminal legislation shall bear criminal liability under relevant provisions of the Georgian Criminal Code if it is a grave or especially grave offense directed against interests of Georgia or if the criminal liability for this offense is provided by the international treaty of Georgia. The notion “offense directed against interests of Georgia” should be interpreted as crimes committed not only against the state, but against citizens of Georgia as well. Grave intentional crime is crime that is punishable

by imprisonment for term up to 10 years; especially grave crime is intentional crime that is punishable by imprisonment for more than 10 years or life imprisonment.

108. The Prosecutor's Office of Georgia has conducted no criminal prosecutions based on the extraterritorial jurisdiction as stipulated in the Optional Protocol.

Reply to paragraph 11 of the list of issues

Identification, Support, Rehabilitation, Reintegration and Compensation of Victims of Child Trafficking, Sale, Prostitution or Pornography

109. Combating trafficking in human beings (THB) is one of the key priorities for the Government of Georgia (GoG). With this regard the governmental policy is entirely focused on so called 4 Ps and GoG is committed to adopt efficient measures in order to enhance Prevention, Protection, Prosecution and Partnership, which is also enshrined in the 2017–2018 and 2019–2020 National Action Plans on Combating Human Trafficking adopted by the THB Council, respectively, on 15 December 2016 and on 24 December, 2018.

110. With the aim of effective implementation of the above-mentioned goal relevant legal and institutional mechanisms are taken at international and national level.

111. Notably, Anti-trafficking measures taken by the Georgian Government were positively assessed by the US State Department in 2016, 2017, 2018 and 2019. According to the US State Department Reports on Trafficking in human beings, Georgia was upgraded to Tier 1 in 2016 and remains in the leading position among other western countries, including the EU member states, in Tier 1 in 2017, 2018 and 2019. These rankings reaffirm that Government spares no efforts to effectively combat human trafficking and promote efficient and prompt protective services to THB victims. Furthermore, according to the 2018 US THB report Georgian Anti-Trafficking Referral Mechanism, the Grants issued by the Ministry of Justice for identification and resocialization of children in street situations and Governmental efforts to address the issues of homeless children are considered as one of the best models. In 2018 and 2019, Georgia was the only country among EaP countries which ranked in Tier 1.

112. On its part, GRETA has also praised Georgia's counter-trafficking measures in its second evaluation report issued on June 3, 2016.

113. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has chosen the Georgian A-THB national referral mechanism as one of the successful and decided to reflect it in the revised Practical Handbook on National Referral Mechanisms of OSCE/ODIHR. With the special invitation of the ODIHR, the representative of the Ministry of Justice also participates in the revision process of the Handbook.

114. It is noteworthy to mention that, according to the 2019 report "Measurement, Action, Freedom" of the Walk Free Foundation the Government of Georgia was placed among those ones that have been taking the most effective actions to end human trafficking. Specifically, Georgia holds 18th position among 183 countries. According to the same source, when it comes to the regional level Georgia ranks 1st in terms of strong governmental counter-trafficking responses.

115. GOG pays particular attention to proactive identification and protection of children from human trafficking, including sale and any form of exploitation. In this regard, mobile groups of the Central Criminal Police Department of the Ministry of Internal Affairs of Georgia and Task Force consisted of investigators and prosecutors keep proactive and regular checking the high risk areas (hotels, bars, bathes, casinos, etc.). The mobile groups and Task Force detect and record trafficking risk-bearing areas, and check and study persons, including persons engaged in prostitution, working in organizations that have suspicious reputation. They also monitor persons and organizations which offer employment in or outside of the country; organizations which ensure transportation for persons leaving the country; travel agencies; enterprises which employ foreigners, organizations and persons provided visa assistance.

116. In order to reveal the fact of labor exploitation mobile groups and task force systematically interview deported citizens from Turkey and other countries. Particular attention is paid to interviewing citizens who were deported as a reason of illegal working or prostitution. Law enforcements provide them with the full information on human trafficking issues, legislation and rights of victims.

117. Notably, on 19 December, 2017 the THB Council approved the revised Guideline for the Law Enforcements on the Investigation and Prosecution of Trafficking Cases and Treatment with Victims and Statutory Victims of Trafficking in human beings, which was adopted by the THB Council in February, 2014. The main aim of the revision was to reflect the legal amendments introduced to the Criminal Procedure Code of Georgia and respond the current trends of human trafficking. The THB Council has taken into account case-law of the European Court of Human Rights (ECHR) and incorporated the standards developed by the ECHR in its case-law while designing the guidelines. The document was revised by a Working Group composed of the representatives from the Ministry of Justice, Ministry of Internal Affairs and the General Prosecutor's Office of Georgia.

118. Standard Operation Procedures (SOPs) adopted in 2015 is also actively used by the investigators, patrol police officers, staff of migration department and mobile groups of State Fund to proactively identify potential THB victims and collect all relevant information related to THB case.

119. In addition, aiming at proactively identification of THB victims among the migrants and asylum seekers, on 19 December 2017 the THB Council also approved the Guidelines on Identification of Victims of Trafficking in human beings at the Border of Georgia (border crossing and customs crossing points, land and coastal border). These Guidelines were adopted for border police officers and Customs officials and sets forth indicators of alleged victims and standards of interrogation/interview of THB victims, including minors and to whom to refer for assistance of alleged victim.

120. For effective use of the Guidelines on 26–27 June 2018 training on human trafficking issues was held for border police and customs officials. The training was delivered by the Swedish experts and the representative of the Ministry of Justice of Georgia aiming at discussion of both Swedish and Georgian experience on identification of potential victims of THB at borders. One of the sessions of the Training was also dedicated to the detailed discussion of the Guidelines on Identification of Victims of Trafficking in Persons for border police officers and Customs officials.

121. Law enforcements are permanently trained in order to develop their skills and promote their capacity building with regard to detection of THB cases. Guidelines and SOPs are the part of each training module devoted to human trafficking.

122. When it comes to the protection of minor victims of human trafficking, the role of the LEPL State Fund for the Protection and Assistance of Victims, Statutory Victims of Human Trafficking and the LEPL Social Service Agency under the Ministry of IDPs, Health, Labor and Social Affairs of Georgia should be mentioned. The shelters for victims and statutory victims of THB created under the State Fund are well equipped to receive minor victims of human trafficking as well as dependent minors (aged under 18). Within the current setup of the State Fund system in Georgia, unaccompanied children who are the victims of THB are under legal guardianship of the Social Service Agency and Social Service Agency takes immediate measures to place them in family-type care (e.g. foster care, small group home, etc.) and considers the State Fund Shelters as one of the available temporary resource for accommodation of unaccompanied child. The accompanied children victims of trafficking, and children accompanying the parents who had been trafficked, are provided with State Fund services (Shelter, medical, psychological and legal assistance, compensation, rehabilitation and reintegration measures). When such a need arises, they are also entitled to receive the appropriate accommodation, age specific education and support programs tailored to their needs. The child victims or accompanied minors placed in the shelters of the State Fund are provided with different services in order to ensure their wellbeing and provide them with proper education (formal/non-formal) through the special programs. Additionally, since August 7, 2015 the newly recruited nannies/care-takers in THB shelters ensure to make more child-friendly environment in shelters.

123. Also, on August 10, 2015 Director of State Fund approved the individual rehabilitation-reintegration plan for minor victims/statutory victims of human trafficking and children accompanying their parents who are the beneficiaries of Shelter.

124. It should be emphasized that pursuant to Article 10 of child violence referral mechanism any institution, where the minor is accommodated (including THB shelters of the State Fund), is obliged to inform Social Service Agency (SSA). According to the procedure the Administration of THB shelter informs SSA about the accommodation of child in shelter within 24 hours since placement of a child in institution. Social workers of SSA arrive to the THB shelter, examine the case of child, elaborate the individual rehabilitation plan and monitor the implementation of the plan. Apart from this, social workers of the shelters also adopt and monitor the implementation of the individual rehabilitation plan of child victim/statutory victim of human trafficking or accompanying minor.

125. One of the aims of the State Fund includes: protection, assistance and rehabilitation of the victims/statutory victims/alleged victims of human trafficking and/or domestic violence and/or violence against women and/or sexual abuse.

126. The State Fund provides the victim and/or statutory victim and/or alleged victim of human trafficking and/or domestic violence and/or violence against women and/or sexual abuse with the following services within the Shelters and the Crisis Centers:

- Providing psychological-social assistance/rehabilitation;
- Organizing/receiving medical service;
- Providing Legal assistance (including legal representation in court and in law enforcement agencies);
- Translator service, if necessary;
- Promoting reintegration in a family and society and other services;
- Daily accommodation

127. Compensation in the amount of 1,000 (one thousand) GEL in case of trafficking.

128. In order to expand services (legal, medical and psychological assistance, compensation) for victims of trafficking in human beings (THB) in 2018 and 2019, 2 additional crisis centers in Marneuli and Ozurgeti were established under the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking. The Crisis Centers provide THB victims/alleged THB victims (before having the official THB status) and the depended persons with full package of services, including legal aid, medical assistance, etc. Currently, in overall 5 Crisis Centers operate throughout the country (Tbilisi, Marneuli, Ozurgeti, Gori and Kutaisi).

129. The State Fund developed the Guidelines for Social Work and Psychological Rehabilitation/Assistance of beneficiaries of the structural units and their integration into internal regulations and plans for rehabilitation and reintegration (case management). The guidelines provide practical guides for rehabilitation of victims including children and people with disabilities. Regular trainings and study courses of the staff ensure qualified case management and focusing on the child's best interests. In 2019 special training-sessions were provided to phycologists and social workers of the State Fund for institutionalization of guidelines.

Hotline Service

130. A 24-hour hotline for the victims of violence is functioning at the State Fund. Anyone can call on the hotline: 116 006 (Euro number) and get professional consultations from qualified operators and information about the services of the State Fund. Since 2017, the consultations of the State Fund's hotline on the issues of domestic violence, violence against women, human trafficking, sexual violence have been available in 8 languages: in Georgian as well as in English, Russian, Azerbaijani, Turkish, Armenian, Arabic and Persian languages. The service is free and anonymous.

131. Moreover, the services of the State Fund are available regardless of the race, skin color, language, sex, religion, political or other opinions, national, ethnic, and social affiliation, origin, property or social status, place of residence. The Georgian legislation prohibits any kind of discrimination in public and private sectors. The internal regulations of the State Fund are in compliance with the Georgian legislation.

Outreach/Outdoor activities

132. The State Fund⁴ conducts and will continue to organize different outdoor activities for the awareness raising campaign on the issues of Human Trafficking. The activities include:

- Disseminate multilingual information leaflets, T-shirts and bags of the State Fund in streets, Metro stations, Public Service halls, Border Crossing Points Tourism Information Centers and etc;
- Organize informational meetings with public school pupils and teachers for the prevention of human trafficking, raising awareness of youth and popularization of the State Fund services. The meetings are held at public schools of the capital and regions;
- Hold public meetings, lectures with the students of different Universities in Georgia;
- Train the personnel of the shelters/crisis center for the purpose of developing their qualifications and skills;
- Cooperation with different NGOs and International Organizations;
- Participation in TV and radio shows and advertisements dedicated to human trafficking on central and regional TV stations within the State Fund activities;
- Creation and dissemination informational brochures on the issues of human trafficking produced by the State Fund.

Legal support

133. With regard to protection of the interests of the child victim at all legal stages, the State Fund offers free legal consultation and legal aid to the potential victims, as well as the victims and statutory victims of human trafficking. According to the Statute of the State Fund, the director of the State Fund assigns the legal authority to the staff member to protect the legitimate interests of the beneficiary in the relevant investigative and/or judicial institutions. Legal services include representation/advocacy in court / law enforcement agencies, as well as preparation of civil case appeal (including compensation for damages) and legal consultations on legal procedures for adopting one-off state compensation.

134. In the case of receiving child beneficiary in the services of the State Fund, as already mentioned above the case is immediately referred to LEPL Social Service Agency and SSA and the State Fund jointly plan and deliver all relevant services to child victims based on their needs, including legal aid.

135. The legal services of the State Fund are free of charge for beneficiaries and are financed from the State Fund's budget.

136. Apart from the State Fund, LEPL Legal Aid Service also provides legal consultations free of charge for everyone and provides also legal aid free of charge for children statutory victims at every stage of criminal proceedings. The Legal Aid Service also affords legal aid free of charge in civil lawsuits in case of the insolvency of a person. LEPL Legal Aid Service is also funded from the State's Budget.

137. Lawyers of the State Fund, as well as the lawyers of the Legal Aid Service are annually trained on Human Trafficking Issues. This commitment is also enshrined from each 2-year National Action Plans on Combatting Trafficking in Human Beings approved by the THB Council.

⁴ The LEPL State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking.

138. Furthermore, according to the Juvenile Justice Code of Georgia which entered into force on the 1st of January, 2015, only persons specialized in juvenile justice shall administer juvenile justice proceedings. The Juvenile Justice Code requires all persons, including prosecutors, investigators, judges and even lawyers to be specialized in Juvenile Justice.

139. According to Article 20 of the Juvenile Justice Code, juvenile cases shall be administered by lawyers specialized in juvenile justice, who shall, together with other documents provided for by law, present a document certifying their specialization in juvenile justice. The form of such document is approved by the Georgian Bar Association.

140. Apart from this, a permanent group of lawyers specialized in juvenile justice is available in the LEPL Legal Aid Service, which provides legal assistance to minors on their first request in the shortest possible time in cases provided for by law.

141. Furthermore, the High School of Justice (HSoJ) annually organizes trainings for judges on Trafficking in Human Beings, which covers inter alia the a topic on sexual exploitation of minors as a form of human trafficking. In 2015 the HSoJ conducted a training “Protecting Child’s Rights, including the topics of sexual exploitation of child”, in which 12 judges participated.

142. Besides that, in order to ensure that the rights and interests of victims of child trafficking and sexual exploitation are protected at all stages of the legal process, the HSoJ provides annual trainings on Rights of Child which covers the following topics: taking into account the best interest of a child; stress in children related to the violence, conducting interview and managing relations with a child victim of violence, how to put questions to a minor, etc. As mentioned above, the HSoJ has conducted three trainings on the Rights of Child since 2016.

143. In this respect, it should be mentioned that in 2019 the HSoJ is elaborating a new training module on Child-friendly Environment at Court, which involves all the relevant legal and psychological aspects of interviewing child (victim, witness, convicted), relevant soft and didactical skills, the role of violence on child development, methods of communicating with a child, personal aspects of questioning a child, etc.

144. Moreover, two new training modules are being elaborated on the 1980 Hague Convention on the Civil Aspects of International Child Abduction and about the Convention of 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. These training modules will further raise awareness among Georgian judges with respect to the rights of child and their protection.
