



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES

CARIM EAST – CONSORTIUM FOR APPLIED RESEARCH ON INTERNATIONAL MIGRATION

Co-financed by the European Union

Human Trafficking: Georgia

Natia Chelidze

CARIM-East Explanatory Note 13/33

Socio-Political Module

May, 2013



© 2013. All rights reserved.
No part of this paper may be distributed, quoted
or reproduced in any form without permission from
the CARIM East Project.



Introduction

Georgia is a country of origin, transit and destination for victims of trafficking in persons, as well as a place where they are exploited.

In order to combat human trafficking, Georgia has for several years been dynamically carrying out a series of activities, in terms of elaborating and efficiently implementing relevant legislative base.

In its report dated February 7, 2012 concerning Georgia, the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe underlined the progress achieved in combating human trafficking. This progress includes the adoption of specific legislation against trafficking, the establishment of an inter-agency coordination council for combating trafficking in persons, and a state fund for supporting victims of trafficking, as well as an increase in the ratio of budgetary funds to be allocated for the assistance of victims.¹

In the 1990s, the government of Georgia was not adequately aware of trafficking and the urgent need to provide solutions for this problem. As a result, the U.S. State Department considered the efforts made by the authorities of the country to be insufficient and therefore, placed Georgia in the third group of countries.²

The term "human trafficking" was first referred to officially within Georgian legislation in 2000, in particular, in the Decree of the President of Georgia "On the approval of a plan (2000-2002) for fighting violence against women" N64 of February 25, 2000. That Decree included a paragraph concerning female trafficking for the purpose of their sexual exploitation. Even though the Human Rights Protection Department of the Office of the National Security Council of Georgia was charged with the job of providing overall coordination and evaluation for the plan, the anti-trafficking clause contained within the Decree was never put into practice.

The Decree of the President of Georgia "On measures to ensure protection of human rights in Georgia" N240 of May 17, 2002 envisaged the elaboration of a governmental anti-trafficking policy. The Ministry of Justice was commissioned to propose amendments to the Criminal Code in order to qualify trafficking in persons as a punishable act, and to apply respective sanctions.

In the second half of 2002, the National Security Council initiated the implementation of anti-trafficking activities. Major changes occurred after an "Action Plan for Combating Trafficking in Persons for 2003-2005" was approved under Presidential Decree N15 of January 17, 2003. The plan contained the following five major tasks: ratifying legislative amendments for protecting the rights and interests of victims of trafficking, in particular, of females and children; preventing trafficking in human beings; assisting victims of trafficking; providing criminal prosecution and punishment for the persons found guilty of trafficking; and monitoring the activities performed. Notwithstanding the availability of the detailed plan of action, only a few measures were taken. In particular, draft Amendments to the Criminal Code of Georgia elaborated by the Ministry of Justice considering criminalization of trafficking in human beings and imposing relevant sanctions against that type of offence were approved. In addition, the Department for Combating Illegal Use of Drugs, Trafficking

¹ Available at http://www.coe.int/t/dgap/tbilisi/news/2012_07_02_ge_2.asp March, 2013.

² Together with Germany, the United States and a few European countries, Georgia has been placed in the first group of countries since 2007. (According to the U.S. State department, the governments of the countries that fully comply with the TVPA's (Trafficking Victims Protection Act of 2000) for the elimination of trafficking are placed in group 1. Governments that are making significant efforts to meet the minimum standards are placed in group 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in group 3.)

and Irregular Migration (currently titled as the Trafficking and Irregular Migration Unit of the Special Operations Department of the Ministry of Interior) – a structural subdivision for fighting trafficking – was set up within the Ministry of Interior of Georgia.

In 2004, via an active collaboration and involvement on the part of the OSCE Mission in Georgia, representatives of international organizations, and governmental agencies and NGO sector, another Action Plan for 2005-2006 was developed, which was approved by Presidential Decree № 623 of December 29, 2004. In order to ensure the efficient implementation of the aforementioned action plan, an Interim Interagency Commission on Combating Trafficking in Human Beings was set up substituted later by an Interagency Coordination Council³ established by Presidential Decree № 534 of September 1, 2006.

A special Law on Combating Trafficking, adopted on April 28, 2006 and in force since June 16, 2006, identified legal and organizational fundamentals for preventing and combating trafficking in human beings in Georgia. It also determined the powers, rules of activities and coordination with respect to anti-trafficking measures of legal entities and high officials employed within state authorities. The Law also defined the legal status of victims of trafficking and the guarantees for their social protection.

Pursuant to Article 9 of the aforementioned Law, a State Fund⁴ for the purpose of protecting and assisting of (statutory) victims of human trafficking, a legal entity in public law, was established in June 2006. The state supervision over the activities of the Fund is exercised by the Ministry of Labour, Health and Social Protection of Georgia. It pursues the following goals: providing legal, psychological and medical assistance to the victims of trafficking; providing accommodation at asylums for the victims of trafficking (with regard to asylums, the structural units of the State Fund were established in Tbilisi and Batumi during 2006-2007); offering compensation to the victims of trafficking; providing a hotline service; and assisting in rehabilitating and reintegrating victims of trafficking.

The adoption of a special law encouraged further activity on the part of the Interagency Coordination Council, which had been designed to carry out measures for the purposes of fighting trafficking in persons. The Council drafted unified standards and regulations for identifying victims of human trafficking (Presidential Decree N78 of February 1, 2007), which were subsequently approved by the President of Georgia. The Council also adopted the composition of the permanent commission affiliated to the Coordination Council and the rules for its activities (Presidential Decree No. 534 of September 1, 2006), as well as the standards and requirements for arranging and a sample charter⁵ of the institutions (asylums) for providing services to victims of trafficking. The Council has also approved operational instructions for protecting victims of trafficking in human beings (a national referral mechanism) and regulations for providing compensations⁶. As a part of the Action Plan, a strategy for rehabilitation and reintegration of victims/complainants of trafficking in human beings was adopted on July 19, 2007.

³ The Inter-agency Coordination Council is chaired by the Minister of Justice of Georgia and includes the Minister of Labour, Health and Social Protection of Georgia, the main prosecutor of Georgia, the Deputy Minister of Education and Science of Georgia, the Deputy Minister of Interior of Georgia, the Deputy Minister of Economy and Sustainable Development of Georgia, the Deputy Minister of Foreign Affairs of Georgia, the Deputy State Minister for Diaspora Issues, the public defender of Georgia, and the director of the State Fund for the protection and assistance of (statutory) victims of human trafficking. In addition, representatives of the following entities were asked to contribute to the functioning of the Council: the Parliamentarian majority and minority, the public defender's office, the Council of Europe, the European Commission, the US Embassy in Georgia, the USAID, the UN Children's Fund, IOM, the Georgian Young Lawyers' Association and the following NGOs: "Tanadgoma", "Civil Development Agency," and "The National Network for Protection against Violence".

⁴ Available at <http://www.atipfund.gov.ge/index.aspx>, March, 2013.

⁵ Available at <http://www.atipfund.gov.ge/navnews.aspx>, March, 2013.

⁶ Available at <http://www.atipfund.gov.ge/navnews.aspx>, March, 2013.

Starting from 2006, national action plans for 2006-2007, 2007-2009, 2009-2011 and 2011-2012 were developed. The action plan for 2013-2014, drafted with the active involvement of representatives of governmental agencies and the NGO sector, and based on the recommendations suggested by international organizations, was approved at the meeting of the Council on February 13, 2013.

Parallel to amending the national legislative framework in the field of action against trafficking in persons, Georgia ratified several major international treaties dealing with combating human trafficking. In particular, the Parliament of Georgia has ratified the United Nations (UN) Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Council of Europe Anti-Trafficking Convention on Combating Trafficking in Human Beings (in force since February 1, 2008). Starting from 1994, Georgia has also joined other UN conventions⁷ against human trafficking, inter alia, the Convention on the Elimination of All Forms of Discrimination against Women (26.10.1994, UN Convention); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (26.10.1994, UN Convention); Convention on the Rights of the Child (02.06.1994, UN Convention); the Convention of the Sale of Children, Child Prostitution and Child Pornography (27.09.2002, an Optional Protocol to the Convention of the Rights of the Child); the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse⁸ (25.10.2007, Council of Europe Convention); the Convention on the Extreme Forms of the Child Labour (18.05.2002, ILO Convention N182), etc.

Apart from providing a positive evaluation, the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe also submitted relevant remarks and recommendations. According to the aforementioned experts, the Georgian authorities should keep the victims of trafficking informed about the rules for getting compensation, adequate legal protection, etc.

The budget of the State Fund for the Protection and Assistance of (Statutory) Victims of Human Trafficking has increased from 300,000 GEL (in 2007) up to 985,000 GEL (in 2012).⁹ Despite this, in fact, only a very limited number of victims used the aid available under individual rehabilitation plans. In addition, a very small number of victims received compensations.¹⁰ According to the U.S. State Department report, 12 victims of human trafficking availed themselves of asylums and were provided with support in 2007, with 10 victims in 2008, 15 in 2009, 9 in 2010, and 20 in 2011, while compensation was given to two victims of trafficking in 2008. There was no request made for compensation in 2009. Again, two victims were given compensation in 2010 and six victims in 2011 (1,000 GEL each, equaling approximately 600 USD),¹¹ whilst a total of 21 victims of trafficking were identified in 2008, with 48 victims in 2009, 19 victims in 2010 and 18 victims in 2011.

According to the director of the State Fund, the reduction in the number of victims of trafficking in human beings could be attributable to the following two factors: (1). Preventive measures have become more efficient, and (2). Following the 2008 Russia-Georgia armed conflict, Georgia has become a less attractive country in terms of attracting individuals seeking employment abroad.¹²

The change of government in Georgia has structurally affected the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking too. It has been merged with the State Care Agency, a legal entity in public law, responsible for offering institutional patronage for those persons under state guardianship (vulnerable groups within the society). This includes providing nursing,

⁷ Available at <http://www.police.ge/index.php?m=414&lng=eng>, March, 2013.

⁸ The conventions have already been signed, and the relevant ratification procedures are ongoing.

⁹ Available at <http://www.mof.ge/4979>, The State Budget of Georgia, 2007, 2012.

¹⁰ Available at http://www.coe.int/t/dgap/tbilisi/news/2012_07_02_ge_2.asp, March, 2013.

¹¹ Paper by Nazarova Ts. See <http://enpates.org/dynamic/docs/GeorgiaCountryProfile.pdf>.

¹² "Two opinions: the problem of trafficking in Georgia" by Kupreishvili T., an internet news portal, 30.06.2011. Available at <http://www.netgazeti.ge/GE/63/opinion/5570/>.

living conditions, nourishment, primary healthcare, psychological and medical rehabilitation, and assisting in integrating into the society. Respectively, the amount of funds allocated from the state budget is seven million GEL in 2013,¹³ a sum that is three million less than the combined budgets of the aforementioned two entities for 2012.

According to the U.S. State Department report published in 2011,¹⁴ Georgia has been a country of destination to a lesser extent.¹⁵ Primarily, the men and women who have entered Georgia tend to become subject to the forced labour in our country. In terms of trafficking, Georgia is a predominantly country of origin. Trafficking of Georgian women subjected to sexual exploitation has mainly been identified in Turkey and Egypt, as well as in the United Arab Emirates, Austria, Greece and Germany. Cases of trafficking of Georgian nationals for the purpose of their exploitation in labour activities have been identified in Turkey, Egypt and Libya.¹⁶

The situation has changed over the past two years. Georgia has transformed into a country of destination, a fact confirmed by a series of cases of human trafficking covered by media. In 2012, a flow of immigrants from Central Asia, Uzbekistan in particular, in the direction of Adjara, including the Black Sea towns of Batumi, Gonio, Sarpi and Kvariati has extended. Overall, 27 brothels disguised under the names of hotels and cafes employing up to five hundred women of Central Asian origin were disclosed in Gonio in the summer of 2012. They mainly served nationals of Turkey as well as truck drivers.¹⁷ According to the data provided by the People's Harmonious Development Society (PHDS), over the past 14 months, its personnel have provided help to thirty women from Uzbekistan deprived of identity documents, who were willing to return home voluntarily. Seven of them were involved in trafficking.¹⁸ The findings of the investigative actions performed by law enforcement bodies with respect to the above facts have not yet been publicized.¹⁹

Several projects aiming at preventing trafficking in human beings and protecting its victims have been undertaken by non-governmental agencies and international organizations.

Since 2000, the International Organization for Migration (IOM) has been working on eliminating trafficking in Georgia. More than 15 projects²⁰ have already been carried out for the purpose of protecting victims of human trafficking and helping them to reintegrate into the society. These projects, inter alia, include the following:

¹³ Available at http://www.mof.ge/common/get_doc.aspx?doc_id=9676.

¹⁴ *Georgia within the US State Department report on trafficking in human beings*. Kupreishvili T. An internet news portal "Netgazeti." 28.06.2011. Available at <http://www.netgazeti.ge/GE/63/News/5552/>.

¹⁵ According to the data provided by the Ministry of Interior of Georgia, 12 offences of trafficking were identified in 2009, out of which only three were disclosed; in 2010 three offences were disclosed out of the eleven offences identified. Available at http://www.police.ge/uploads/statistika/shss_statistika/BIULETENI.GEO-2010w..pdf March, 2013.

¹⁶ "Georgia within the US State Department report on trafficking in human beings." Kupreishvili T. An internet news portal *Netgazeti*. 28.06.2011. Available at <http://www.netgazeti.ge/GE/63/News/5552/>.

¹⁷ "The Encouraged sex tourism in Gonio," by Turadze E. 19.06.2012. An internet news portal *Netgazeti*. 28.06.2011. Available at <http://www.netgazeti.ge/GE/105/News/10350/>.

¹⁸ An interview with Nazarova, the chair of PHDS held in the office of PHDS in March 2012. In order to assist victims of trafficking, PHDS has been working in Georgia since 2003. Within the framework of various programs, it provides (statutory) victims of trafficking accommodation, psychological counseling and information service, and adjusts the documents (return document) in case of the necessity of returning to their country of origin. The office operates a hotline service.

¹⁹ A radiocast program "Routes of migration," the topic - trafficking, a guest - Mark Hulst, the trafficking program coordinator, IOM, 16.04.2013. Available at <http://radio1.ge/media-view/11318>. A radiocast program "Routes of migration", the topic- trafficking and the threats of irregular migration, a guest - Mari Meskhi, director of the State Fund for the protection and assistance of victims of human trafficking, 17.01.2013. Available at <http://radio1.ge/media-view/10218>.

²⁰ Available at <http://www.iom.ge/ge/index.php?activities&counter&victims&photo>, March, 2013.

The IOM project "Teaching on Prevention of Trafficking in Persons at Secondary Schools in Georgia", within which IOM cooperates closely with the Ministry of Education and Science of Georgia and has introduced the anti-trafficking module into the national school curriculum;

IOM is implementing a project entitled **Capacity Building of government officials to combat trafficking in persons.** Under this initiative, training sessions are conducted for target personnel of law enforcement bodies, the judiciary, the Border Police and consular officers. IOM also cooperates closely with the Academy of the Ministry of Interior in building an institution of instructors within its own structure responsible for training police officers in the basic aspects of trafficking in human beings.

The IOM's Tbilisi office assists victims of trafficking in returning to their home countries, mainly by covering their travel expenses.

In collaboration with the State Fund and the Ministry of Interior, the IOM regularly publishes information booklets and produces social video advertisements for TV.

Within the framework of the projects **"Social Assistance to the Victims of Trafficking"** and **"Protection of the Rights of Children in Georgia as Victims of Trafficking,"** the local office of the international organization "World Vision International" has carried out trainings sessions, for the staff of the Ministry of Interior, for the purpose of identifying victims of trafficking and undertaking measures for combating trafficking of children more efficiently.²¹ The aforementioned organization has also been engaged in distributing special information booklets entitled "Become aware until you leave!"

Since 2009, the Ministry of Interior of Georgia has maintained an updated database titled "Do not become a slave!" on its website concerning trafficking in persons and combating irregular migration. It contains a legislative base, hotline numbers and links to all the international and non-governmental organizations working on the issues of combating trafficking and irregular migration.

In cooperation with the NGO "Tanadgoma" and with financial support provided by the OSCE mission in Georgia, the NGO "Article 42 of the Constitution" implemented **a project for the purpose of identifying and assisting victims of trafficking in Georgia (especially in Adjara region)** during the period 2006-2010.²²

In order to help raise public awareness, for the past few years, the organization PH International, funded by the USAID within the small grants program, has been carrying out a number of educational programs, which, inter alia, include the following: **"White Slavery in 21st Century," "Act against Trafficking," "The Truth about Trafficking"** and **"Do not harm yourself."**²³

Some more other projects in the area of combating trafficking in human beings have been undertaken by the Georgian Young Lawyers' Association²⁴, the International Center for Migration Policy Development, the International Labour Organization, non-governmental organizations including "Tanadgoma", "People's Harmonious Development Society" (PHDS), etc.

²¹ Available at <http://www.police.ge/index.php?m=453&newsid=148>, March, 2013.

²² Available at http://www.article42.ge/index.php?action=projects_item&proj_id=13&lang=geo, March, 2013.

²³ Available at <http://civics.ge/index.php?kw=%E1%83%A2%E1%83%A0%E1%83%94%E1%83%A4&m=5&x=0&y=0>, March, 2013.

²⁴ Available at

<http://gyla.ge/geo/search?q=%E1%83%A2%E1%83%A0%E1%83%94%E1%83%A4%E1%83%98%E1%83%99&go.x=0&go.y=0>, March, 2013.

BIBLIOGRAPHY

Cooperation of government structures and non-governmental organization for prevention of trafficking in human beings in the countries of the south Caucasus (a report on the research findings). Ekaterine Levchenko, "People's Harmonious Development Society." Tbilisi, 2010. p.64. ISBN 978-9941-0-3478-7.

Council of Europe Office in Georgia, available at <http://www.coe.int/t/dgap/tbilisi/>.

European NGOs platform Against Trafficking, Exploitation and Slavery, available at <http://enpates.org>.

Georgian Young Lawyers' Association, available at www.gyla.ge.

International Organization of Migration, available at www.iom.ge.

US Department of State, available at <http://www.state.gov/j/tip/rls/tiprpt/>.

State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking, available at <http://www.atipfund.gov.ge>.

Ministry of Internal Affairs, available at <http://www.police.ge/index.php?m=426&lng=eng>.

Public Defender of Georgia's parliamentary reports, available at <http://www.ombudsman.ge/index.php?page=21&lang=0>.

The link to the website of the Prosecutor's Office of Georgia, Fight against Trafficking. http://www.justice.gov.ge/index.php?lang_id=GEO&sec_id=173&lang_id=ENG.