

GEORGIA (2018-2019)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>2019 AR: Copies of the report will be sent to the Georgian Employers Association (GEA) and to the Georgian Trade Union Confederation (GTUC).</p> <p>2018 AR: Copies of the report were sent to the Georgian Employers Association (GEA) and to the Georgian Trade Union Confederation (GTUC).</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Georgia has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2018-2019 ARs: The Protocol is likely to be ratified.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2018-2019 ARs: There are plans of actions and a national policy for the prevention of all forms of forced labour as well as for combatting trafficking in persons for the purposes of forced or compulsory labour.	
	Measures taken or envisaged for systematic and coordinated action	<p>2018-2019 ARs: Combating all forms of Trafficking in Human Beings (THB), including forced labor and labor exploitation remains one of the Government's key priorities. In this regard, the Georgian Anti-Trafficking policy is entirely focused on so called 4 Ps and aimed at adopting efficient measures in order to enhance Prevention, Protection, Prosecution and Partnership. The Government indicates that the role of the Inter-Agency Council, chaired by the Minister of Justice, set up in 2006 remains indispensable in adopting serious and sustainable measures on combating THB. In every two years, the Inter-Agency Council elaborates and approves the National Action Plans (NAP) on Combatting Trafficking in human beings. On 15 December, 2016 the Inter- Agency Council Approved current NAP for 2017-2018. Various recommendations from U.S State Department, International Organizations, Public Defender's Office and the Parliament of Georgia were taken into consideration during the drafting process of the NAP. The NAP has 6 Objectives (Improvement of Anti-Trafficking Policy based on researches/surveys, Prevention, Prosecution, Protection, Partnership and Capacity Building) under which all line Ministries, including Ministry of Justice, Ministry of Internally Displaced Persons from the Occupied Territories, Labor and Health, Ministry of Internal Affairs, Chief Prosecutor's Office, the State Fund for Protection and Assistance of (statutory) victim of THB, etc. are responsible to carry out the commitments undertaken based on the NAP. The Secretariat of the Inter-Agency Council (Public International Law Department of the Ministry of Justice) monitors and elaborates the Implementation Process of the NAP.</p>	
	Measures taken or envisaged to prevent forms of forced labour	<p>2019 AR: The measures taken include: a) Information, education and awareness raising activities targeting especially people in vulnerable situation and employers; and b) Capacity building for the competent authorities.</p> <p>2018 AR: The measures taken or envisaged include: a) <i>Information, education and awareness raising targeting especially people in vulnerable situation and</i></p>	

		<p><i>employers</i>: the Government indicates that the Anti-Trafficking Inter-Agency Council elaborated a Common Information Strategy on combating trafficking with specially identified vulnerable target groups, regions and implementation means. The strategy was approved by the Anti-Trafficking Inter-Agency Council 1 on February 12, 2014. Within the framework of the Strategy, information meetings with different target groups such as pupils, students, children in street situations, journalists, minorities, employers and employees, rural population are organized every year in Tbilisi, other big cities and villages. In addition, TV and radio shows and advertisements are frequently devoted to THB issues. Furthermore, Georgia regularly arranges information meetings and round tables with different target groups (students, pupils, rural and regional population) in all regions of Georgia to discuss the issues of forced labor, sexual and labor exploitation. Information leaflets (on Georgian, English, Russian, Azerbaijani, Armenian and Turkish languages) are largely being disseminated in big cities and rural areas, at state borders and consular units. The government further reports that a moot court competition on Trafficking in human beings for students throughout Georgia is annually organized by the Anti-Trafficking Inter-Agency Council. The Competition is held with close cooperation of relevant Governmental Agencies and International Organizations. The government also indicates that apart from this, it prioritizes prevention of trafficking through enhancement of education in secondary and high schools. In this regard, issues related to human trafficking are largely covered by the national curriculum. It underlines a Memorandum of Understanding was concluded between Tbilisi State University (TSU) and the Migration Commission headed by the Minister of Justice of Georgia with the aim of cooperating on the issues of migration which also covers THB. TSU is the biggest research institute in Georgia, and provides master program in public international law, that includes two semester practical and theoretical course on THB; b) <i>Strengthening and broadening of the coverage of legislation, particularly labour law</i>; c) <i>Regulation and supervision of the labour recruitment and placement process</i>; d) <i>Addressing the root causes that perpetuate forced labour</i>: the Government indicates that in order to prevent and suppress forced labor and labor exploitation, four mobile inspection groups of the Ministry of Internal Affairs and the Task Force composed of investigators and prosecutors regularly operate in the high risk areas, interview there the employees and proactively identify the THB cases. Additionally, the Labour Conditions Inspecting Department (The Labor Inspectorate Department) under the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs was established in 2015. The Department carries out inspections on non-voluntary basis and monitor labor conditions. In order to effectively investigate the THB cases (in particular forced labor and labor exploitation), the “Memorandum of Mutual Cooperation on promotion of detection of cases of trafficking in human beings” between the Labor Inspectorate Department and Central Criminal Police Department (CCPD) was signed on August 13, 2015. It ensures timely sharing of information and intelligence and reporting of possible cases. On the basis of the MOU, Labor Inspectorate department provides the CCPD with list of organizations considered to be risk categories and members of mobile group start proactively checking such organizations; e) <i>Promotion of safe and regular migration</i>: according to the Government, together with international partners, the State Commission on Migration Issues (SCMI/commission), set up in 2010 and Chaired by the Ministry of Justice, leads an active info campaign on legal migration to EU, asylum related issues and consequences of illegal migration. The specialized trainings in above directions are permanently conducted for the SCMI MAs, NGO’s, Public Service Halls, Community Centers and PSDA territorial offices, as well as the representatives of local municipalities. The second edition of the bilingual (G/E) Guidebook on Legal Migration was compiled and published on the web-pages of Commission, its member state agencies, as well as partner international and NGOs. As of April 2016, the Ministry of Justice through its network of Public Service Halls, Community Centers and territorial offices of the PSDA has distributed more than 726,000 copies of info triplets on visa free travel rules in EU (since commencing of the campaign in spring 2016). A separate info campaign on consequences of the misuse of asylum procedures was held with IOM and Belgian migration service in 2015, whereas SCMI Secretariat offers permanent trainings and awareness raising meetings with regional population at Community Centers. The PSDA together with the Ministry of Foreign Affairs has developed a Schengen/EU Mobile Application, which was</p>
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	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2019 AR: The measures taken include: a) Training of relevant actors for identification of forced labour practices; b) Legal protection of victims; c) Material assistance for victims; d) Medical and psychological assistance for victims; e) Measures for the rehabilitation and social and professional reintegration of victims; f) Protection of privacy and identity; g) Appropriate accommodation; and h) Specific measures for children and migrants.</p> <p>2018 AR: The following measures have been taken or envisaged: a) <i>Training of relevant actors for identification of forced labour practices</i>; b) <i>Legal protection of victims</i>: the Government underlines that the Georgian National Referral Mechanism ensures two possible ways for a person to be identified as a victim and get involved in state run services. Georgian law differentiates status of victim of trafficking and status of statutory victim of trafficking. The status of victim of trafficking is granted to the person by the Permanent Group of the Anti-Trafficking Inter-Agency Council consisted of 5 NGOs within 48 hours based on the questionnaires of mobile group of the State Fund for Protection and Assistance of (statutory) Victims of THB (State Fund), while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia. The aim of the two existing statuses is to protect and assist those persons who are potential THB victims and have no will to cooperate with law enforcements. Regardless to the difference in the procedure of granting the status, there is no difference between their rights during the protection, process of investigation and/or prosecution. Both Georgian and foreign victims and statutory victims enjoy the same rights and services. The government further reports that the full package of state-run services, including legal aid, shelters, crisis centers, psychological and medical assistance, one-off compensation and rehabilitation measures, for the victims are provided by the State Fund of the Ministry of Healthcare. Legal aid of the victims means not only legal consultation, but also free of charge legal representation of the victims and the protection of their rights and interests before the court; c) <i>Material assistance for victims</i>: according to the Georgian Legislation, the victims and statutory victims are provided with one-off compensation amounted in 1000 GEL. In addition to that, the victims and statutory victims have the right to compensation through the court proceedings either; d) <i>Medical and psychological assistance for victims</i>: according to the Government, one of the main state run services for the victims and statutory victims of human trafficking is the medical and psychological assistance. Within the psychological assistance, the victims and statutory victims can benefit from the individual and group psychological</p>

		<p>consultation and rehabilitation, crisis intervention, emotional and psychological support, psychoanalysis, assistance in determining future prospects, etc. Under the Service of Medical Assistance, first of all the needs of the victims and statutory victims are identified and medical screening is conducted. The victims and statutory victims are provided with all medicines in need and in case of necessities, the surgery or any other medical intervention is funded by the State Fund; e) <i>Measures for the rehabilitation and social and professional reintegration of victims</i>: the Government indicates that the State Fund provides victims and statutory victims all relevant information about the social and educations services available in Georgia. Furthermore, the State Fund supports the victims or statutory victims to gain or improve relevant job skills and help them to find the job. In addition, the State Fund actively cooperates with Governmental or Non-Governmental Organizations in order the victims and statutory victims to be effectively reintegrated into society; f) <i>Protection of privacy and identity</i>: the Government reports that from the initial stage of investigation and prosecution of THB cases and protection of the Victims and Statutory Victims, the Personal information of the victims and statutory victims are confidential and their privacy and identity are protected. Even the Court hearings are closed for public society aiming at not only protection of their privacy, but also to prevent their re-victimisation. In addition, the location of shelters for victims and statutory victims of THB are confidential. Furthermore, according to Georgian Legislation the deportation of foreign THB (statutory) victims is prohibited from Georgia and in order to ensure their legal being/living in Georgia, the Ministry of Justice issues for them the special residence permit. Although this is the Special Residence Permit, no person is able to identify a person as a victim based on this Document; g) <i>Appropriate accommodation</i>: according to the Government, there are 2 shelters in Tbilisi and Batumi available for the victims and statutory victims of human trafficking. The Victims and Statutory Victims can stay in the shelter 6 months, however, in case of need the length of the stay can be increased based on the decision of the director of the shelter. Apart from the shelters, which are available for those persons who are already granted the status of (statutory) victim, since 2017, 3 crisis centers are also available for alleged (statutory) victims, who has not granted the status yet; h) <i>Specific measures for children</i>: the Government indicates that the shelters for THB victims/statutory victims 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 Social Service Agency (SSA) and SSA takes immediate measures to place them in family-type care (e.g. foster care, small group home, etc.) and considers State Fund Shelters as one of the available temporary resource for accommodation of unaccompanied child. The accompanied children victims of trafficking, including forced labor and labor exploitation, and children accompanying the parents who had been trafficked, are provided with State Fund services (Shelter, medical, psychological and legal assistance, compensation, and 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. In August 2015, State Fund amended the internal regulations of each shelter (Tbilisi and Batumi) and introduced the service of babysitter/caretaker for minor victims/statutory victims of human trafficking and children accompanying their parents. The main tasks of babysitter are to take care of the children and support them in formal/non-formal education - take minors for a walk, ensure their safety while playing with other kids, help them with home-work in needed, etc; and i) <i>Other measures</i>: in Georgia there are 2 special hotlines for Trafficking issues. One (116006) is operating in 8 languages under the State Fund and another one - in 3 languages under the Ministry of Internal Affairs of Georgia. Both of them work 24/7.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2019 AR: The measures taken include: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Development of forced labour indicators; d) Access to remedies and compensation; e) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges; f) Provision for authorities not to prosecute victims for acts which they have been compelled to commit; and g) Provision of penalties such as the confiscation of assets and criminal liability of legal persons.</p>

		<p>2018 AR: Various measures have been taken or envisaged: a) <i>Information and counselling for victims regarding their rights</i>; b) <i>Free legal assistance</i>; c) <i>Cost-free proceedings</i>; d) <i>Development of forced labour indicators</i>: the Government indicates that it acknowledges the importance of proactive investigation of THB cases. On 19 December, 2017 the Anti-Trafficking Inter-Agency Council approved the 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 in February, 2014. The Government reports that it has taken into account the practice of the ECHR and incorporated the standards of the Court case law while designing the guidelines. Furthermore, in 2015 the Standard Operation Procedures (S.O.P.s) for the investigators and members of the mobile groups were adopted upon the order of the Minister of Internal Affairs. It describes indicators that could be typical for victim of forced labor, sexual or labor exploitation and helps the law enforcements to identify potential THB victims and collect all relevant information related to THB case. On 19 December, 2017 the Anti-Trafficking Inter-Agency 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; e) <i>Access to remedies and compensation</i>; f) <i>Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges</i>; g) <i>Provision for authorities not to prosecute victims for acts which they have been compelled to commit</i>; and h) <i>Provision of penalties such as the confiscation of assets and criminal liability of legal persons</i>: according to the Government, liability of legal person for trafficking in human beings is regulated under Criminal Code of Georgia. Namely, legal person will be punished by deprivation of the right to pursue its business or by liquidation.</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	<p>2018 AR: The Law of Georgia on Combating Trafficking in human beings explicitly excludes the responsibility of THB victims/statutory victims for committing actions under Article 344 (Illegal crossing of the state border of Georgia) and Article 362 (Making, sale or use of a forged document, seal, stamp or blank forms) of the Criminal Code of Georgia and Article 1723 (Prostitution) and Article 185 (living in Georgia in violation of Georgian legislation on Registration) of the Code of Administrative Offences of Georgia. Furthermore, THB victim/statutory victim shall not be held liable for participating in any illegal acts, if he/she had to behave so because of their being a victim/statutory victim of THB.</p>
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2019 AR: The Government cooperates with other member States and international, regional and non-governmental organizations. For example, the Interagency Council on Combating Trafficking in Persons is inclusive and includes representatives not only from all line ministries and agencies but NGOs and international organizations. The Government concluded an agreement with EUROJUST, on 29 March 2019, and is in force since 27 July 2019.</p> <p>2018 AR: The Government cooperates with other member States and international, regional and non-governmental organizations. In terms of partnership, the Government prioritizes enhancement of cooperation with the non-governmental sector. For that aim, it concluded memorandums of understanding with local and international NGOs regarding the providing services for the THB victims/statutory victims, promotion of the capacity building of law enforcements to enhance their knowledge and skills of combating this crime. Also, the Ministry of Justice issues grants for local NGOs to implement awareness raising activities (since 2012 6 grants (in total 93000 GEL) were issued to NGOs). The Government also pays particular attention to expanding international cooperation through diplomatic and consular relations and within the framework of police cooperation and mutual legal assistance on criminal matters. It has concluded international agreements/MoUs in the field of combating crime, including THB-related crimes and police cooperation with 30 countries. Currently, 13 Georgian police attachés are deployed in the following countries: Armenia, Austria, Azerbaijan, Belarus, France, Germany, Greece, Italy, Poland, Spain, Sweden, Turkey and Ukraine. On 31 July 2017, an Agreement between Georgia and</p>

		EUROPOL came into force and Georgia became EUROPOL’s operational partner state. In July, 2018 a Georgian liaison officer was deployed to EUROPOL. The Government spares no effort to intensify its relations with EUROJUST. The process of negotiations on the text of a bilateral Agreement between Georgia and EUROJUST started in January 15, 2018. The final draft of the agreement has already been elaborated. It is planned to sign the agreement by the end of 2018.	
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers’ organizations	
		Workers’ organizations	
	According to the Government	<p>2019 AR: The main difficulties are: a) Lack of awareness; b) Social values, cultural traditions; and c) Social and economic circumstances.</p> <p>2018 AR: The Government indicates that the lack of identification of the cases of labor exploitation and forced labor is the main difficulty. It underlines the creation of a special working group under the Chief Prosecutor’s Office of Georgia aiming at identifying the main practical challenges and deficiencies with regard to labor exploitation. The working group is composed of all relevant Governmental Agencies, including the Ministry of Justice, the Ministry of Internal Affairs and the Ministry of internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs (Labor Inspectorates Department and Social Service Agency).</p>	
TECHNICAL COOPERATION NEEDS	Request	<p>2019 AR: Yes. The need for technical cooperation are: a) Exchange of experiences between countries or regions; international cooperation; b) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers’ organizations; c) Capacity building for employers’ and workers’ organizations; d) Vocational training, job-creation and income-generation programmes for at-risk populations; e) Promotion of fair migration policies; f) Inter-institutional coordination; g) Capacity building for the competent authorities; h) Strengthening the legal framework; i) Guidance on the development of the national policy and plan of action; j) Awareness-raising and mobilization activities; and k) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle.</p> <p>2018 AR: The Government indicated the need for technical cooperation with the ILO in the following areas: most important: a) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; b) Capacity building for the competent authorities; c) Promotion of fair migration policies; d) Vocational training, job-creation and income-generation programmes for at-risk populations; e) Capacity building for employers’ and workers’ organizations; and f) Exchange of experiences between countries or regions; international cooperation. Important: a) Awareness-raising and mobilization activities; b) Collection and analysis of data and information; c) Interinstitutional coordination; d) Promotion of fair recruitment and placement practices; and e) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers’ organizations.</p>	
	Offer		