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2020 Trafficking in Persons Report: Georgia

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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GEORGIA: Tier 1

The Government of Georgia fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Georgia remained on Tier 1. These efforts included increasing overall prosecution and victim protection efforts. The government prosecuted more suspects, identified more victims, and provided more comprehensive victim assistance. The government increased the number of mobile identification groups from four to six and continued proactive identification efforts. Although the government meets the minimum standards, the government required foreign victims to remain in-country through the end of the trial, likely hindering victim cooperation, particularly from foreign victims wanting to repatriate, due to slow court proceedings. The government did not provide adequate public assessments or information on its efforts and at times lacked transparency. In addition, obtaining official victim status through the Permanent Group, a

five-member board of non-governmental and international organization representatives, was increasingly difficult. While the government expanded the mandate of the Labor Inspectorate, including conducting unscheduled inspections, the Labor Inspectorate did not have the staff, resources, and training to conduct labor oversight responsibilities fully.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Article 143 of the criminal code. • Increase efforts to identify victims proactively, particularly individuals in commercial sex, and Georgian and foreign victims in vulnerable labor sectors. • Encourage victims' participation in investigations and prosecutions through victim-centered court procedures, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Establish procedures to improve the Permanent Group's ability to identify victims consistently and accurately. • Improve law enforcement capacity to investigate complex cases, including advanced training on money laundering, organized crime, and digital evidence. • Increase transparency of the inter-ministerial trafficking coordination council and regularly publish information on the government's anti-trafficking efforts. • Further incorporate the Labor Inspectorate into anti-trafficking efforts and increase its capacity and training to identify victims. • Improve measures to order restitution for victims, including training prosecutors and judges, asset seizure, and legal assistance. • Target awareness-raising campaigns about the existence of trafficking, legal recourse, and available protection services to vulnerable groups.

PROSECUTION

The government increased law enforcement efforts. Article 142 and 143 of the criminal code criminalized sex trafficking and labor trafficking, and prescribed penalties ranging from seven to 12 years' imprisonment for offenses involving an adult victim, and eight to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 17 cases (19 in 2018); 11 were sex trafficking cases and six forced labor cases, including five forced begging cases, compared with 10 sex trafficking cases, seven forced labor cases, and two cases of both sex trafficking and forced labor in 2018. Law enforcement continued to investigate four sex trafficking cases and three forced labor cases from the previous

reporting period. The government prosecuted 29 defendants (five in 2018); 26 for child sex trafficking and three for forced begging, compared with three for sex trafficking and two for forced labor in 2018. Courts convicted three traffickers for forced begging (four sex traffickers in 2018); two traffickers received eight years' imprisonment, and one received nine years' imprisonment.

The government maintained several specialized units, including the Anti-Trafficking and Illegal Migration Unit within the Central Criminal Police Department and mobile groups under the Ministry of Internal Affairs (MOIA). The MOIA increased the number of mobile victim identification groups from four to six to proactively investigate trafficking and inspect hotels, bars, bathhouses, nightclubs, casinos, and other high-risk businesses; mobile groups inspected 107 businesses (98 in 2018). The MOIA and the Prosecutor General's Office continued to operate a task force in the Adjara region with specialized investigators and prosecutors. Observers reported the slow pace of criminal investigations and prosecutions discouraged victims' cooperation. The government continued to develop capabilities to investigate trafficking cases, but authorities required additional advanced training on corroborating victim testimonies and evidence collection in complex cases involving money laundering, organized crime, and digital evidence. In previous years, observers reported a lack of transparency following police raids on brothels, including information on what happened to individuals in prostitution. In May 2018, the government adopted a new pimping article in its penal code that increased the ability of authorities to investigate and prosecute trafficking crimes; however, some experts noted the lower penalties under these articles might result in authorities pursuing lesser charges for trafficking crimes because pimping crimes are easier to prove. Experts also noted concerns that trafficking victims involved in these pimping cases may go unidentified more frequently if officials did not pursue the case as trafficking crimes. The government reported the continued inability to conduct anti-trafficking efforts within the Russian-occupied Georgian territories of Abkhazia and South Ossetia. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. All police cadets received basic training on trafficking issues, and the government, at times in cooperation with international organizations, trained investigators, financial investigators, prosecutors, judges, labor inspectors, court staff, and victim coordinators. The government fulfilled 10 mutual legal assistance requests from Turkey and Azerbaijan and made four mutual legal assistance requests of Russia, Ukraine, and the United States. The government extradited a suspected trafficker to

Moldova and cooperated with the Democratic Republic of the Congo, Russia, Turkey, and Ukraine on trafficking cases. The government signed cooperation agreements with EUROJUST, the Czech Republic, and France and deployed three officers to France to support local law enforcement.

PROTECTION

The government increased protection efforts. The government identified 30 victims (five victims in 2018); 24 were victims of sex trafficking and six were victims of forced begging (three were victims of sex trafficking and two were victims of forced begging in 2018); 28 were female and two were male (all were female victims in 2018); all 30 victims were children (two children in 2018). Mobile groups and task forces screened 651 individuals (395 in 2018) in commercial sex or employed in vulnerable sectors, such as hotels, bars, nightclubs, and bathhouses, for trafficking indicators. Authorities interviewed another two individuals deemed “high-risk” (17 in 2018) due to work at businesses that violated labor standards. Authorities screened 2,521 Georgian nationals deported from other countries for trafficking indicators at the international airport and border crossings (3,009 in 2018). The government continued to use guidelines for victim identification, including the proper treatment of victims, screening for indicators at border posts, and victim-centered interview practices. A multi-disciplinary national referral mechanism provided standard operating procedures for officially identifying and referring victims to services. Law enforcement officially recognized victims who participated in investigations, and the Permanent Group assessed and officially recognized victims who declined to participate in investigations; both recognitions granted the same victim protection and assistance. The Permanent Group comprised a five-member board of non-governmental and international organization representatives and was required by statute to convene and assess a potential victim within 48 hours. Law enforcement officially recognized all 30 identified victims (all five victims in 2018). While the government adopted improvements to the procedures of the Permanent Group, experts reported the process of obtaining official victim status through the Permanent Group was increasingly difficult. For example, the Permanent Group rejected a case from an international organization that identified two potential victims with clear indicators of forced labor.

Government-run crisis centers in five cities and NGOs provided initial psychological^{ca. e}, medical assistance, legal support, and temporary shelter for potential victims awaiting

official victim status. Additionally, the government operated anti-trafficking shelters in Tbilisi and Batumi and other victim assistance programs; the government allocated 591,000 lari (\$205,920) to the government-run anti-trafficking shelters, compared with 548,960 lari (\$191,280) in 2018. The government provided medical aid, psychological counseling, legal assistance, childcare services, reintegration support, and a one-time financial payment of 1,000 lari (\$350) to victims. Child victims received the same assistance specialized for minors under the government's care, in addition to custodial care, education, and family reintegration programs. The government-run shelters were staffed by a nurse and psychologist and offered separate sections for men, women, and children. Victims could initially stay at the shelter for three months, which authorities could extend upon the victim's request; the government-run shelters accommodated six victims (three in 2018). Shelter staff chaperoned victims when leaving the shelter, but victims could request to leave the shelter unchaperoned. One victim received legal aid, one received medical care, and none received the 1,000 lari (\$350) in cash assistance, compared with five victims receiving legal aid, one medical care, and one 1,000 lari (\$350) in cash assistance in 2018. The government amended the law to remove a clause that denied victims the 1,000 lari (\$350) cash assistance if they received restitution from their trafficker in court; the amendment was awaiting parliamentary approval as of the end of the reporting period. While observers occasionally visited the two government-run anti-trafficking shelters, experts reported the inability to assess the quality of services at the two government-run shelters due to a lack of independent evaluations of the operations and conditions. In previous years, observers reported government-run shelters focused on victims of domestic violence due to the low number of identified trafficking victims and were unable to provide specialized services to trafficking victims.

The government did not report any cases of penalization of victims for unlawful acts traffickers compelled them to commit. The government provided equal services for domestic and foreign victims and granted foreign victims renewable one-year residence permits with the ability to seek legal employment; one victim received a residence permit (four in 2018). The government could provide repatriation assistance to Georgian victims returning to Georgia and foreign victims wishing to leave Georgia, but reported no victims required repatriation assistance (none in 2018). The law required closed-door sessions for court proceedings and allowed victims to leave the country pending trial; however, experts reported law enforcement required victims to remain in-country through the end of the trial, likely hindering victim cooperation, particularly from foreign victims wanting to

repatriate, due to slow court proceedings. Twenty-four victims assisted law enforcement (five in 2018). The Prosecutor General's Office's Victim-Witness Coordinators provided counsel to victims from the beginning of the investigation through the end of the court proceedings; Victim-Witness Coordinators provided assistance to eight victims and 10 witnesses (four victims and 12 witnesses in 2018). The law allowed recorded testimony or testimony by other technological means; none of the trials used such measure (none in 2018). The law also allowed the possibility of placing a victim into the state's witness protection program; no victims required the use of witness protection in 2018 and 2019. Observers reported prosecutors and judges applied victim-centered approaches to prevent re-traumatization during trial. No trafficking victims have ever received restitution from their traffickers, and observers highlighted the failure to freeze and seize criminal assets as an obstacle to pursuing restitution from traffickers.

PREVENTION

The government maintained prevention efforts. The Inter-Agency Council on Combating Trafficking in Persons (TIP Council) implemented the 2019-2020 national action plan, but observers continued to report the TIP Council did not provide public assessments of government efforts and lacked transparency. The General Prosecutor's Office managed a working group on forced labor, which met four times (three in 2018). While the government organized awareness campaigns targeting students, parents, minority groups, internally displaced persons, and children, an international organization continued to report Georgian authorities were reluctant to implement large-scale awareness campaigns in major cities due to the negative impact they believed it would have on the tourism industry. The government continued to disseminate leaflets on various trafficking issues, including at border crossings, universities, tourism information centers, metro stations, and public service halls throughout the country. Government officials funded and participated in a number of television, radio, and print media programs to raise awareness. The government continued to fund an anti-trafficking hotline operated by the MOIA and another hotline operated by the State Fund that received calls from trafficking victims; the hotlines received 65 trafficking-related calls (69 in 2018). Authorities issued 14 temporary identification documents to homeless children and five for minor victims of violence, compared with 19 temporary identification documents to homeless children, five to minor victims of violence, one permanent identity card, and five passports to known or suspected trafficking victims in 2018. The

Law on Labor Safety entered into force in September 2019 and expanded occupational safety and health standards, including unannounced inspections for the purpose of occupational and safety regulations; however, experts reported the Labor Inspectorate did not have the staff, resources, and training to conduct labor oversight responsibilities fully, including for forced labor, particularly in Batumi. Additionally, the government did not have a work permit system for migrant workers nor did it license and monitor recruitment agencies. Labor inspectors inspected 149 businesses (135 in 2018); of these, 133 were scheduled inspections and 16 were unannounced inspections with one case referred to the police for further investigation. Labor inspectors did not fine any foreign laborer recruiters for failing to provide information on Georgian citizens assisted to find work outside the country (five in 2018). The government made efforts to reduce the demand for commercial sex, including by conducting awareness campaigns.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Georgia, and traffickers exploit victims from Georgia abroad. Traffickers recruit victims with false promises of well-paying jobs in tea processing plants, hospitals, salons, restaurants, and hotels. Traffickers exploit women and girls from Georgia in sex trafficking within the country, and in Turkey and the United Arab Emirates. Georgia is also a transit country for women from Kyrgyzstan, Tajikistan, and Uzbekistan exploited in Turkey. Traffickers exploit women from Azerbaijan and Central Asia in sex trafficking in the tourist areas of the Adjara region and in larger cities, like Tbilisi and Batumi, in saunas, brothels, bars, strip clubs, casinos, and hotels. Georgian men and women are exploited in forced labor within Georgia and in Turkey, United Arab Emirates, Egypt, Cyprus, and Iraq. Georgian, Romani, and Kurdish children are subjected to forced begging and coerced into criminality in Georgia. Chinese women in commercial sex and Southeast Asian women working in massage parlors are vulnerable to sex trafficking. No information was available about the presence of human trafficking in the Russian-occupied Georgian regions of Abkhazia and South Ossetia; however, the government and NGOs consider internally displaced persons from these occupied territories particularly vulnerable to trafficking with some observers reporting anecdotal evidence of cases of forced labor.