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USDOS – US Department of State

2019 Trafficking in Persons Report: Georgia

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 building another crisis center for potential victims, adopting the 2019-2020 national action plan, and approving a law that will allow labor inspectors to conduct unannounced inspections. Law enforcement maintained a specialized unit, in addition to mobile groups and task forces, which conducted proactive efforts. The government also doubled its funding for government-run shelters and other victim assistance services. Although the government meets the minimum standards, the government investigated, prosecuted, and convicted a relatively low number of traffickers and identified fewer victims. Identification efforts for forced labor and street children remained inadequate and the interagency anti-trafficking council continued to lack transparency.

PRIORITIZED RECOMMENDATIONS

Vigorously investigate, prosecute, and convict traffickers under Article 143. • Increase efforts to proactively identify victims, particularly among street children and Georgian and foreign victims in vulnerable labor sectors. • Increase law enforcement capacity to investigate complex cases, including advanced training for money laundering, organized crime, and digital evidence. • Strengthen specialized services including shelter and psycho-social support for all victims. • Encourage victims' participation in investigations and prosecutions through victim-friendly court procedures, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Increase transparency of the inter-ministerial trafficking coordination council and regularly publish information on the government's anti-TIP efforts. • Further incorporate the Labor Inspectorate in anti-trafficking efforts with a clear mandate that establishes roles and responsibilities. • 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 maintained 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 19 cases (23 in 2017); 10 were sex trafficking cases and seven were forced labor cases, including five forced begging cases and two were related to both sexual and labor exploitation. The government prosecuted five defendants, three for sex trafficking and two for forced labor, compared to four suspected sex traffickers in 2017. Courts convicted four sex traffickers (four traffickers in 2017); one trafficker received 15 years of imprisonment, two received 12 years of imprisonment and one received six years and six months of imprisonment.

The government maintained several specialized units, including the Anti Trafficking and Illegal Migration Unit within the Central Criminal Police Department and four mobile groups and task forces under the Ministry of Internal Affairs (MOIA). Observers reported the task force in Adjara was understaffed, faced regular staff turnover, and lacked experienced investigators and female investigators. The government continued to develop capabilities to investigate trafficking cases but required additional advanced training on corroborating victim testimonies and evidence collection in complex cases involving money laundering, organized crime, and digital evidence. 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 authorities under which to investigate and prosecute trafficking crimes; 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 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 border police, customs officials, prosecutors, investigators, and victim coordinators. The government extradited a suspected trafficker to Russia and received a suspect from Kazakhstan, arrested four suspects on behalf of Moldovan, Turkish, and Uzbek authorities, and cooperated with Turkey and Ukraine on five legal assistance requests.

PROTECTION

The government maintained protection efforts. The government identified five victims (12 victims in 2017); three were victims of sex trafficking and two were victims of forced begging (10 victims of sex trafficking and two victims of forced labor in 2017); all victims were female (all female victims in 2017); and two were children (one child victim in 2017). Mobile groups and task forces screened 395 individuals (682 in 2017) at 98 locations (149 in 2017), such as hotels, bars, nightclubs, and bathhouses, for trafficking indicators. Authorities interviewed another 17 individuals deemed as “high-risk” (55 in 2017) from working at businesses that violated labor standards. Authorities screened 3,009 Georgian nationals deported from other countries for trafficking indicators at the international airport and border crossings (3,085 in 2017). The government continued to use and disseminate 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 (NRM) 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. 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 five victims in 2018 (eight officially recognized by law enforcement and four by the Permanent Group in 2017). Government-run crisis centers in four cities, including a new crisis center built in Ozurgeti, and NGOs provided initial psychological care, medical assistance, legal support, and temporary shelter for potential victims awaiting official victim status. Observers reported the NRM worked effectively but raised concerns about the low number of identified potential victims, including inadequate identification efforts for children in exploitative situations on the street and Georgian and foreign workers in vulnerable labor sectors.

The government allocated 548,960 lari (\$205,600) to the government-run anti trafficking shelters in Tbilisi and Batumi and other victim assistance programs, compared to 211,600 lari (\$79,250) in 2017. The government provided medical aid, psychological counseling, legal assistance, childcare services, reintegration support, and a one-time financial payment of 1,000 lari (\$370) to victims, regardless of their decision to assist law enforcement with investigations and prosecutions. Child victims received the same assistance specialized for minors under the government's care, in addition to custodial care, education, and family reintegration programs. Five victims received legal aid, one received medical care, and one received the 1,000 lari (\$370) in cash assistance. The government-run shelters were staffed by a nurse, psychologist, social worker, and lawyer, 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 three victims (two victims in 2017). Observers reported government-run shelters currently focus on victims of domestic violence due to the low number of identified trafficking victims and were unable to provide specialized services to trafficking victims. Shelter staff chaperoned victims when leaving the shelter, but victims could request to leave the shelter unchaperoned. In addition to equal services for domestic and foreign victims, foreign victims were eligible for renewable one-year residence permits with the ability to seek legal employment; four victims received residence permits. 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 (three in 2017).

Five victims assisted law enforcement (eight in 2017). The law required closed door sessions for court proceedings and allowed victims to leave the country pending trial; however, experts reported law enforcement requested 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 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 four victims and 12 witnesses. The law allowed recorded testimony or testimony by other technological means; none of the trials used such measures (none in 2017). 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 2017 and 2018. Observers reported prosecutors and judges applied victim-centered approaches to prevent re-traumatization during trial. No trafficking victims have ever received restitution or compensation from their traffickers. Observers highlighted the failure to freeze and seize criminal assets as an obstacle to pursuing restitution from traffickers.

PREVENTION

The government increased prevention efforts. The Inter-Agency Council on Combating Trafficking in Persons (TIP Council) adopted the 2019-2020 national action plan, but observers continued to report the TIP Council did not provide public assessments on government efforts and lacked transparency.

The Chief Prosecutor’s Office managed a working group on forced labor, which met three times in 2018. The government, in cooperation with an international NGO, trained officials on coordinating interagency anti-trafficking efforts. An international organization reported Georgian authorities were reluctant to implement large-scale awareness campaigns due to the negative impact they believed it would have on the tourism industry; however, the government issued a 25,000 lari (\$9,360) grant to an NGO to organize awareness-raising activities in 10 cities. The government continued to disseminate leaflets on various trafficking issues at border crossings, 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 organized anti-trafficking information meetings in villages and towns, presenting to different target groups, including primary school and university students, minorities, internally displaced persons, and journalists. The government continued to fund an anti-trafficking hotline operated by MOIA and another hotline operated by the State Fund that received calls from trafficking victims; the hotlines received 69 trafficking-related calls (118 in 2017). Authorities issued 24 temporary identification documents to homeless children and eight to minor victims of violence (13 in 2017), one permanent identity card, and five passports to known or suspected trafficking victims in 2017 and 2018. The Labor Inspectorate continued to have an unclear mandate due to a lack of substantive labor laws, but the government approved a law that will allow for unannounced inspections for the purpose of occupational and safety regulations. The Labor Inspectorate inspected 99 businesses (64 in 2017) and fined five foreign laborer recruiters for failing to provide information on Georgian citizens assisted to find work outside the country (610 in 2017). The government made efforts to reduce the demand for commercial sex and forced labor.

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 subject women and girls from Georgia to sex trafficking within the country, in Turkey, and, to a lesser extent, in China and the United Arab Emirates. Georgia is also a transit country for women from Kyrgyzstan, Tajikistan, and Uzbekistan exploited in Turkey. Traffickers subject women from Azerbaijan and Central Asia to sex trafficking in the tourist areas of the Adjara region and larger cities like Tbilisi and Batumi in saunas, brothels, bars, strip clubs, casinos, and hotels. Georgian men and women are subjected to forced labor within Georgia and in Cyprus, Egypt, Iraq, Turkey, and United Arab Emirates. Georgian, Kurdish, and Romani children are subjected to forced begging and coerced into criminality in Georgia. Chinese women in prostitution 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.

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