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2021 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Georgia remained on Tier 1. These efforts included convicting more traffickers and providing comprehensive victim assistance, including robust pandemic mitigation efforts at government-run shelters. The government created guidelines for mobile victim identification units (mobile units) on identifying child victims and adopted the 2021-2022 national action plan (NAP). The government established the Labor Inspection Service (LPS) with a special unit for forced labor; and, the process of obtaining official victim status through the Permanent Group, a five-member board of NGO and international organization representatives, improved in comparison to 2019. Although the government meets the minimum standards, it investigated and prosecuted fewer suspects and identified fewer victims. Labor inspectors continued to lack the staff, resources, and training to fulfill labor oversight responsibilities. The government did not establish a work permit system for migrant workers, nor did it license and monitor recruitment agencies. Police conducted some ad hoc raids on commercial sex establishments without clear strategy or victim identifications. The government did not adequately publicize provide adequate public assessments or information on its efforts and at times lacked transparency.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers under Articles 143-1 and 143-2 of the criminal code. • Increase efforts to identify victims proactively, particularly individuals in commercial sex, child laborers and/or homeless children, and Georgian and foreign victims in vulnerable labor sectors. • Increase resources to plan intelligence and evidence-led law enforcement operations with victim-centered approaches. • 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. • Implement 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. • 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, on asset seizure, and legal assistance. • Establish procedures to license and monitor recruitment agencies and create a work permit system for foreign migrant workers to prevent recruitment fees and other trafficking vulnerabilities. • Increase awareness-raising campaigns about the existence of trafficking, legal recourse, and available protection services to vulnerable groups. • Increase transparency of the inter-ministerial trafficking coordination council and regularly publish information on the government's anti-trafficking efforts.

PROSECUTION

The government maintained law enforcement efforts. Articles 143-1 and 143-2 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 13 cases (17 in 2019)—nine sex trafficking cases and four labor trafficking cases, including two forced begging cases. Law enforcement continued to investigate 13 cases from the previous reporting period. The government prosecuted eight defendants in five cases (29 defendants in 2019); three defendants for child sex trafficking and five defendants for forced labor, including two defendants for forced begging. Courts convicted 26 child sex traffickers, a notable increase from the conviction of three traffickers for forced begging in 2019. Judges sentenced three traffickers to 20 years' imprisonment, two traffickers to 17 years' imprisonment, one trafficker to ten years' imprisonment and a fine of 20,000 lari (\$6,120), three traffickers to seven years' imprisonment and a fine of 20,000 lari (\$6,120), one trafficker to six years' imprisonment, 15 traffickers to five years' imprisonment, and one trafficker to three years' imprisonment.

The government maintained several specialized trafficking units, including the Anti-Trafficking and Illegal Migration Unit within the Central Criminal Police Department and six mobile units under the Ministry of Internal Affairs (MOIA). The Prosecutor General’s Office (PGO) maintained five specialized prosecutors dedicated to trafficking cases and operated a task force with MOIA in the Adjara region with specialized investigators and prosecutors. Mobile units and the task force proactively investigated trafficking and inspected hotels, bars, bathhouses, nightclubs, casinos, and other high-risk businesses; mobile groups and the task force inspected 67 businesses (107 in 2019). The Tbilisi City Court maintained six specialized judges and the Tbilisi Court of Appeals maintained seven specialized judges assigned to handle “crimes against human beings,” which included trafficking, but the remaining 27 courts did not have specialized judges. In response to the pandemic, courts transitioned to remote hearings, and the PGO supplied prosecutors with technical equipment and software, so trials, including those for trafficking cases, could continue. Observers reported the government lacked the knowledge and capacity to investigate forced labor, and authorities continued to require training on corroborating victim testimonies and evidence collection in complex cases involving financial crimes, organized crime, and digital evidence. Police raided some commercial sex establishments randomly rather than conducting intelligence-led operations, and, in previous years, observers reported a lack of transparency following police raids, including information on what happened to the individuals in commercial sex. 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, border patrol, prosecutors, labor inspectors, and judges on various anti-trafficking issues. The government assisted Turkey with five mutual legal assistance trafficking-related requests, received one extradition request from the Russian Federation, signed a cooperation agreement with Spain to establish a joint analysis team on organized crime, and detailed two officers to France for six months to support investigations of Georgian organized criminal groups. The government reported the continued inability to conduct anti-trafficking efforts within the Russian-occupied Georgian territories of Abkhazia and South Ossetia.

PROTECTION

The government maintained protection efforts. The government identified seven victims (30 in 2019 and five in 2018); two were victims of sex trafficking and five were victims of forced labor, including three victims of forced begging; two adults were female, three adults were male, and three were children. In 2019, 24 were victims of sex trafficking and six were victims of forced begging; 28 were female and two were male; all were children. Mobile units and the task force screened 467 individuals (651 in 2019) in commercial sex or employed in vulnerable sectors for trafficking indicators. Authorities interviewed an additional two individuals deemed “high-risk” (two in 2019) due to work at businesses that violated labor standards. Authorities screened 1,177 Georgian nationals deported from other countries for trafficking indicators at the international airport and border crossings (2,521 in 2019). While the government reported fewer inspections and interviews because of business and border closures in response to the pandemic, observers reported a lack of government capacity to identify victims of forced labor and alleged that victim identification efforts, particularly raids on commercial sex establishments, were proven ineffective by the low number of identified victims. The government continued to use guidelines for victim identification, including the proper treatment of victims, screening for indicators, and victim-centered interview practices. The government drafted guidelines for mobile units on identifying child victims among children in labor and/or in homeless situations. A multidisciplinary 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; both recognitions granted victims access to the same protection and assistance services. The Permanent Group comprised a five-member board of NGO and international organization representatives and was required by statute to convene and assess a potential victim within 48 hours. Law enforcement officially recognized seven victims, and the Permanent Group officially recognized three victims during the reporting period. GRETA and other experts reported the threshold to obtain victim status through the Permanent Group was high and shifted the burden of proof to victims. For example, the Permanent Group did not grant victim status in 2019, while law enforcement officially recognized all 30 identified victims. IOM reported the work of the Permanent Group improved in 2020, after the government adopted improvements to the procedures of the Permanent Group in 2019.

Government-run crisis centers in five cities and NGOs provided initial psychological care, 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 760,750 lari (\$232,640) to the government-run anti-trafficking shelters, compared with 591,000 lari (\$180,730) in 2019. The government offered medical aid, psycho-social support, legal assistance, childcare services, reintegration support, and a one-time financial payment of 1,000 lari (\$310) to victims. Child victims received the same specialized assistance, 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 can initially stay at the shelter for three months, which authorities may extend upon the victim’s request; the government-run shelters accommodated nine victims (six in 2019). Shelter staff chaperoned victims when leaving the shelter, but victims could request to leave the shelter unchaperoned. Five victims received medical care and psycho-social support, six received legal aid, and three received 1,000 lari (\$310) in cash assistance, compared with one victim receiving legal aid, one receiving medical care, and none receiving the 1,000 lari (\$310) in cash assistance in 2019. In March 2021, the government amended the law to remove a clause that denied victims the 1,000lari (\$310) cash assistance if they received restitution from their trafficker in court. Government-run shelters provided personal protective equipment, disinfectants, and COVID-19 tests and adopted social distancing measures, including a space for victims to quarantine for 14 days before moving to the shelter. The government-run

shelter also organized an epidemiologist to train nine staff members on victim assistance during a pandemic. While observers occasionally visited the two government-run shelters, experts reported an inability to assess the quality of services at the 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.

There were no reports the government penalized victims for crimes their 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; five victims received a residence permit (one in 2019). The government could provide repatriation assistance to Georgian victims returning to Georgia and foreign victims wishing to leave Georgia, but it reported no victims required repatriation assistance (none in 2019). 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. Six victims assisted law enforcement (24 in 2019). PGO’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 12 child victims and six adult witnesses. The law allowed recorded testimony or testimony by other technological means; three witnesses and one minor victim testified remotely using video conference devices (none in 2019). 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 2019 or 2020. Victims could obtain restitution through criminal proceedings or compensation through civil suits; however, judges have never awarded restitution or compensation to victims, and 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 Combatting Trafficking in Persons (TIP Council) composed of representatives from various ministries, the international community, and civil society, implemented the 2019-2020 NAP and drafted and adopted the 2021-2022 NAP. The TIP Council produced a newsletter every three months and published information and statistics on anti-trafficking efforts on the Ministry of Justice’s website; however, observers continued to report the TIP Council did not provide public assessments of government efforts and lacked transparency. The PGO managed a working group on forced labor, which met once in 2020 (four times in 2019). While the government organized a mock court competition for students and awareness campaigns targeting students, children, parents, and IDPs, 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. MOIA and the State Fund continued to operate anti-trafficking hotlines. The MOIA hotline received 46 calls related to trafficking (35 in 2019), and the State Fund hotline received 32 calls (25 in 2019). Authorities issued six temporary identification documents for homeless children and four for child victims of violence, compared with 14 temporary identification documents to homeless children and five for child victims of violence in 2019.

The Law on Labor Safety entered into force in September 2019 and expanded occupational safety and health standards and regulations, including unannounced inspections. In January 2021, the government established LPS with 60 labor inspectors, including a special unit for forced labor and labor exploitation. Labor inspectors inspected 120 businesses (149 in 2019); of these, all were unannounced inspections, and no cases were referred to the police for further investigation (one in 2019). However, experts continued to report labor inspectors did not have the staff, resources, and training to fully implement their labor oversight responsibilities, including for forced labor. Additionally, the government did not have a work permit system for migrant workers, nor did it license and monitor recruitment agencies. The Ministry of Internally Displaced Persons, Labor, and Health and Social Affairs required intermediary companies in Georgia assisting Georgian citizens in finding employment abroad to submit annual reports. The government fined intermediary companies that did not submit a report 300 lari (\$92); five companies were fined (none in 2019). The government signed a labor agreement with Israel to facilitate temporary employment of Georgian migrant workers in medical facilities. Due to the pandemic, the government-chartered flights to help return stranded Georgian migrant workers and extended the right to legal stay for all foreign migrants legally in Georgia until July 30, 2021. The government did not make efforts to reduce the demand for commercial sex acts. The government drafted a law to prevent forced labor in public procurement supply chains and shared it with the EU Commission for comment.

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 Cyprus, Egypt, Turkey and the United Arab Emirates (UAE). 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 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 Cyprus, Egypt, Turkey, and UAE. Georgian, Romani, and Kurdish children are subjected to forced begging and sometimes 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 IDPs from these occupied territories particularly vulnerable to trafficking. Separately, some observers report anecdotal evidence of migrants being subjected to forced labor. Additionally, North Korean nationals working in Abkhazia may have been forced to work by the North Korean government.

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