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ICMPD
International Centre for
Migration Policy Development

Evaluation of Implementation of Georgia's National Action Plans for Combating Trafficking in Human Beings



**For 2017-2018
and 2019-2020**

December 2020

Evaluation of Implementation of Georgia's National Action Plans for Combating Trafficking in Human Beings

**For 2017-2018
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List of Abbreviations

CCG	Criminal Code of Georgia
Council	Inter-Agency Coordination Council for Combating Trafficking in Human Beings
ENIGMMA	EU-funded Project “Enhancing Georgia’s Migration Management”
ENIGMMA 2	EU-funded Project “Enhancing Georgia’s Migration Management”
ETIAS	European Travel Information and Authorisation System
EU	European Union
EU MS	European Union Member State
EUROPOL	The European Union Agency for Law Enforcement Cooperation
GDP	Gross Domestic Product
GoG	Government of Georgia
GRETA	Group of Experts on Action against Trafficking in Human Beings
HEI	Higher Educational Institution
ICMPD	International Centre for Migration Policy Development
IDP	Internally Displaced Person
IOM	International Organization for Migration
LEPL	Legal Entity of Public Law
MES	Ministry of Education, Science, Culture and Sports of Georgia
MFA	Ministry of Foreign Affairs of Georgia
MIA	Ministry of Internal Affairs of Georgia
MoC	Memorandum of Cooperation
MOH	Ministry of IDPs from Occupied Territories, Labour, Health and Social Care of Georgia
MoJ	Ministry of Justice of Georgia
NAP	National Action Plan for Combating Trafficking in Human Beings
NGO	Non-governmental Organisation
NRM	National Referral Mechanism
OSCE/ODHIR	Organization of the Security and Cooperation in Europe / Office of for Democratic Institutions and Human Rights
PSDA	Public Service Development Agency
POG	Prosecutor’s Office of Georgia
RA WG	Risk Assessment Working Group
SCMI	State Commission on Migration Issues of Georgia
SOP	Standard Operation Procedures
THB/TIP	Trafficking in Human Beings/Persons
UNICEF	United Nations International Children’s Emergency Fund
UNODC	United Nations Office for Drugs and Crime
US	United States

Project Background

This report has been produced with the request from the Ministry of Justice of Georgia and the Inter-Agency Coordination Council for Combating Trafficking in Human Beings, within the framework of the EU-funded “Sustaining Migration Management in Georgia” (ENIGMMA 2) project. The project is based on the outcomes of the EU-Georgia Financing Agreement on the programme funded under the European Neighbourhood Instrument (ENI) 2016 Technical Cooperation Facility II, signed in Georgia in May 2017. ENIGMMA 2 builds broadly on the results of previous International Centre for Migration Policy Development (ICMPD) projects in Georgia, particularly the recently implemented EU-funded “Enhancing Georgia’s Migration Management” (ENIGMMA) project, which supported the Government of Georgia in implementation of migration related areas of the Visa Liberalisation Dialogue between the European Union (EU) and Georgia.

The ENIGMMA 2 project runs from September 2017 through October 2021. Its main purpose is to further support EU-Georgia relations on the enhancement of mobility and people-to-people contacts, through assisting Georgian partners in assessing and evaluating the impact of the sustainable implementation of the Migration Strategy. This is carried out without prejudice to the Migration Strategy Action Plan and Evaluation Indicators document, and by ensuring efficient application of the provisions established by the Association Agreement between the European Union and Georgia and the Association Agenda.

The action seeks to achieve this overall objective by addressing migration-related identified and potential risks of the visa liberalisation between Georgia and the European Union Member States (EU MS), through supporting the Government of Georgia in implementation as well as monitoring and evaluation of the impact of the Migration Strategy, and by implementing joint measures.

The project is divided into eight components, each corresponding to the respective specific objective and expected results. In this way, it focuses on different support provision methodology, such as:

- **Component 1** of the project is focused on **policy recommendations**. The main activities of this component are dedicated to supporting the State Commission on Migration Issues (SCMI) in implementation and evaluation of the Migration Strategy by **analysing the impact of visa liberalisation on mobility between Georgia and the EU/Schengen states**; monitoring migration coverage in the Georgian media; providing back-stopping support in analysis and evaluation of the implementation of the Migration Strategy and its impact on migration management in Georgia and carrying out **demand driven analytical and research activities**;

- **Joint response measures** under **Component 2** focusing on implementation of measures to avoid and/or minimise negative impact and foster positive impact of visa liberalisation in Georgia, implemented jointly by SCMI, ICMPD and EU MS experts;
- **Capacity building** within **Component 3** devoted to fostering migration understanding, expertise and education in different areas of migration management;
- **Expert exchange and cooperation** activities under **Component 4**, with the aim of further deepening Georgia's European integration in the field of Migration and Asylum as well as research and analysis on Georgia's European integration and migration-related issues.
- **Component 5** is focused on monitoring migratory trends and developing regular EU-EaP cooperation and exchange through analysis of impact of visa liberalisation on asylum applications from Georgia and establishment of a platform for knowledge and experience exchange among EaP countries enjoying visa free travel.
- Support to Migration Risk Analysis Working Group is included in **Component 6**. Component 6 addresses the need of organising thematic trainings for RA WG member state institutions as well as developing the guidelines according to specific requirements of the WG.
- **Component 7** is devoted to enhanced info-campaign on Visa-free Travel, including sustaining information provision on visa free travel with a special focus on asylum issues, development of guidelines for airlines, deepening awareness of SCMI member state institutions on European Travel Information and Authorisation System (ETIAS).
- **Component 8** includes diaspora engagement for organised and lawful mobility through capacity building of diaspora organisations to act as integration mentors and information agents.

One of the areas of Component 3 is assistance to relevant state agencies in combatting trafficking in human beings (THB). The main beneficiaries of these activities are the Interagency Coordination Council on Combatting Trafficking in Human Beings under the Ministry of Justice of Georgia (Coordination Council) and the Agency for State Care and Assistance for the (Statutory) Victims of Human Trafficking.

ICMPD activities that are carried out within the framework of ENIGMMA 2 project related to THB include: assessment of the National Action Plan on combatting THB by independent experts, annual Moot Court competitions for students, development of guidelines for the identification of victims of THB for mobile units of the Agency for State Care and permanent group responsible for granting the status; updating the questionnaire for the identification of THB

victims, trainings on THB issues for various target groups, namely, the representatives of legal aid services, medical workers and journalists, various awareness raising activities: support in designing, publication and dissemination of awareness raising materials.

More information about the project and its activities is available on the ENIGMMA 2 project website – www.enigmma.ge



Executive Summary

The primary objective of the present report is to provide an external evaluation of the status of implementation of Georgia's National Action Plans (NAP) for combating Trafficking in Human Beings (THB), adopted for 2017–2018 and 2019–2020. The report covers the evaluation of NAPs and progress reports for the 2017–2018 NAP and the 2019 segment of the 2019–2020 NAP. The Action Plan is adopted once every two years under the auspices of the Inter-Agency Coordination Council for Combating Trafficking in Human Beings (Council), which consists of all major state institutions as well as invited national and international organisations. The present report is an outcome of this external evaluation, which reflects the findings of the evaluation process and provides recommendations (where applicable) on how to improve or advance the implementation of the NAP.

Georgia is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, more specifically are cases of forced prostitution of women and forced labour of men, women, and children. Georgia has effectively criminalised trafficking in human beings in its domestic legislation and adopted its implementation measures, including establishing and empowering specialised agencies responsible for combating THB. Since 2006 Georgia has adopted eight NAPs. Furthermore, Georgia is a party of important international instruments related to THB, in particular the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), ratified on 5 September 2006, and the Council of Europe Convention on Action against Trafficking in Human Beings, ratified on 14 March 2007. The country has also ratified a number of Conventions addressing slavery and forced labour.

Overall, Georgia has an advanced legislative and institutional framework as well as a well-established practice of NAP adoption and implementation, which enables it to be among front-runners in fighting THB in the region and globally. Despite some challenges, Georgian authorities allocate necessary resources to continue their effective fight against THB. Implementation of the NAP and constant measurement of its progress is one of the key elements in evaluating Georgia's overall performance in its fight against THB and thus, contributing to transnational cooperation in prevention of THB.

Notwithstanding effective institutional and legislative framework to ensure proper functioning of the system for fighting THB, there are still some challenges in terms of effective implementation of NAP. Namely, (i) widely defined indicators; (ii) repetition of routine functions of state institutions as NAP actions; (iii) lack of human and financial resources of state institutions responsible for implementation of NAP; (iv) absence of a unified approach in determining the policy-making block of NAP; and (v) absence of clear criteria for evaluating the effectiveness of capacity building activities.

Policymaking

During the period of 2017–2018, significant research activities were carried out, mainly in order to formulate and further develop state policy on specific issues related to Trafficking in Human Beings. In particular, during the implementation of the NAP in 2017–2018, eight different research projects were initiated in total, out of which, six projects have been completed within the planned timeframe, while two are still under preparation (at the time of this report being written).

Meanwhile, 2019 was marked with significant progress when it comes to analysing ongoing THB cases in order to identify new tendencies, profiles of victims/statutory victims and perpetrators, especially considering that profiling of cases has been carried out and analysed by the Council and is currently available online. Moreover, the elaboration of national strategy for the protection of homeless children has been launched and while the concept note has already been adopted, it will serve as a baseline document for the elaboration of the national strategy.

Prevention

Georgian authorities have achieved significant developments in raising awareness on issues regarding prevention of THB. A special action plan for information campaign was adopted in order to provide an adequate framework for proposed awareness raising activities. In addition, civil education curriculum also includes lessons on migration issues, THB and other related topics. Courses on THB related subjects are taught on master's programs in at least six HEIs.

Furthermore, various state institutions carried out several hundred information meetings with a number of target groups in 2017–18 and 2019 in close cooperation with the International Organization for Migration (IOM), reaching hundreds of individuals and circulating information about the risks of THB and preventative measures as well as concrete services provided by the state. Representatives of state institutions often visited TV and radio broadcasting stations as guest speakers in order to communicate information about THB to a wider public, several social adds also aired on TV and radio, and hundreds of leaflets and brochures were distributed to various target audiences throughout the reporting period.

The Agency for State Care and Assistance of (Statutory) Victims of Human Trafficking has four mobile units tasked with identifying street children, to also communicate with them, identify their needs and try to enlist them into various state services for vulnerable children. Based on the results provided by the mobile units, 332 homeless children were identified in 2017, 355 in 2018 and 428 in 2019. Moreover, the Public Service Development Agency (PSDA) issued 26 identification documents to homeless children and/or victims of violence in 2017–18 and 27 in 2019. One of the most challenging actions under the NAP is the one which sets out an obligation to support enrolment of street children in formal education (e.g. schools, institutes, kindergartens, etc.) facilities. The MES runs several programmes in close cooperation with national partner agencies and international organisations, with the primary objective to provide

inclusive educational opportunities for homeless children and support their integration into society. Although such programmes achieved significant results in efforts to enrol homeless and vulnerable children in schools, representatives of the MES still expressed concerns over challenges which substantially hinder proper implementation of this activity. Namely, (a) lack of communication among responsible agencies and problems in sharing relevant data; (b) stigma within the Georgian society towards homeless children; (c) lack of preparedness of homeless children to get into classrooms; (d) attitudes of teachers and parents towards homeless children; (e) weakness of mechanisms to follow-up on performance of homeless children once they get into schools.

Protection

Shelters that operate under the State Fund are subject to systematic monitoring by the Fund as well as by external stakeholders, such as the Public Defender of Georgia. In 2017 and 2018, the State Fund carried out two regular monitoring activities of Tbilisi and Batumi shelters, whereas in 2019, the State Fund conducted two regular and one unplanned monitoring visits to Batumi shelter and three regular monitoring visits in three crisis centres (Tbilisi, Ozurgeti and Gori). In addition to this self-monitoring mechanism, the Public Defender of Georgia, under its mandate, conducts regular and unannounced visits to shelters and afterwards publishes its findings. In 2018, the director of the State Fund issued a special order, adopting advanced case management forms and rehabilitation plans for individual beneficiaries. These forms are actively used in practice in shelters as well as in crisis centres.

The effective system of repatriation is currently in place. Relevant legislation provides adequate regulatory and institutional framework on issuance of temporary legal residence documents. In 2017–2018, based on the motion of the Prosecutor’s Office, the Public Service Development Agency issued three special temporary residence permits for statutory victims with foreign nationalities, and in 2019, pursuant to the motion of the State Fund, one special temporary residence permit was issued for one person. In 2017, two statutory victims and one victim were repatriated to their countries of origin with the support of IOM in cooperation with the State Fund, whereas in 2018 and 2019, there was no need for repatriation.

Prosecution

In 2015, the Ministry of Internal Affairs approved SOPs (standard operating procedures) for investigators, operative workers and monitoring mobile units. These SOPs constitute standard guidance for law enforcement agencies to uncover and identify alleged cases of THB. Law enforcement agencies apply the standard instructions on a regular basis as part of their everyday activities. Furthermore, in 2018, as a consequence of fundamental reform and restructuring of the Ministry of Internal Affairs, special Human Rights Protection Department was established, which ensures monitoring of quality of investigations and proceedings of administrative violations under the competence of this department and identification of gaps during

the investigation process. This newly created unit, *inter alia*, regularly supervises and monitors the investigation of THB cases and observes whether SOPs or other guiding instructions are properly put in practice; in case of misconduct or error by investigators, this department has the authority to intervene, report to the supervisor of investigator, issue recommendations and plan capacity-building activities to eliminate such errors in future.

According to the information provided by the Ministry of Internal Affairs, as a result of large-scale capacity-building activities, information available at border checkpoints and official guidelines, there has been an increased rate of identification of potential victims of THB at Georgia's international borders. However, IOM representatives expressed concerns over effective identification of potential victims at border checkpoints. Notwithstanding enhanced capacity and trained skills of border control officers, which is a result of joint efforts of governmental authorities and international partners, IOM noted that border control officers are instructed to ensure rapid transit of incoming and outgoing passengers, not to question the travellers for too long in order to avoid long queues. That is a possible explanation to why identification of potential victims of THB cannot be considered as fully effective.

Mobile units operating under the Central Criminal Police Department of the Ministry of Internal Affairs regularly monitor and check places where alleged cases of trafficking may take place. In 2017–2018, four mobile units checked more than one hundred places and interviewed hundreds of persons. In 2019, the number of mobile units increased to six.

To stimulate communication between the LEPL Labour Inspection Service and the Ministry of Internal Affairs, representatives of these two agencies have regular contact through working meetings, trainings or other activities. For the purpose to strengthen communication and provide a regulatory framework for this communication, preparation and adoption of Memorandum of Cooperation was initiated (by the time of drafting this report, the MoC was ready for signature), which envisages establishment of special monitoring groups with labour inspectors and representatives from the central criminal police department. These groups are meant to inspect those areas that may be high risk for possible cases of trafficking. Notably, such cooperation has already been put in practice in 2020, when representatives of the Ministry of Internal Affairs and the Labour Inspectors jointly monitored places for compliance with Covid-19 regulations or other obligations. As a consequence of these joint coordination activities the labour inspection identified signs of alleged labour exploitation in two organisations and the information was submitted to the Ministry of Internal Affairs for their response.

Capacity building

Governmental authorities have remarkable achievement when it comes to conducting trainings or other capacity-building activities for various target groups and subgroups provided in both NAPs, with its own resources or with support from international or national donor organisations. It is worth noting that capacity building is an ongoing task for state institutions,

therefore, trainings have been provided during the entire reporting period (2017–2019) and will also continue in the future.

State institutions reported significant progress in implementing obligations under the capacity-building component during the reporting period. This approach clearly demonstrates that capacity-building activities are a priority for law enforcement as well as other government authorities responsible for combating THB. Hundreds of persons participated in a number of trainings, study visits, regular courses and capacity-building meetings.

Partnership

As a well-established practice within the Inter Agency Council, updates related to the implementation of the NAP are regularly shared with all stakeholders through various channels and methods. Additionally, the secretariat of the Council coordinated the submission of six *ad-hoc* reports on the steps undertaken by the Government of Georgia in the area of combating THB in 2017 and two reports in 2019 to various international organisations. Furthermore, the Secretariat of the Council also coordinates and supervises regular collection of statistical data from the Ministry of Internal Affairs, Office of the Prosecutor General and the State Fund for Victims of THB. This data mostly includes the number of investigated cases, court cases, prosecution and protection of victims. Statistics are later integrated into centralised registry, de-personalised and published online. By the time of drafting of this report, this centralised register consisted of data from 2010 to 2020.

Another example of cooperation between governmental and non-governmental sector is the grants programme, run annually by the MoJ, aiming at empowering and engaging NGOs working on THB issues. Every year NGOs are selected to carry out projects under the MoJ priority areas related to THB; funds for these projects are allocated from the state budget. Moreover, multiple joint activities with NGOs were carried out in 2017–2018 and in 2019, increasing partnership between state authorities and non-governmental actors. In 2017–2018, State Fund for the Protection of Victims of THB renewed the Memorandum of Cooperation among five NGOs and one international organisation (IOM), whereas 2019 was marked with the renewal of five Memorandums of Cooperation by the State Fund with the same NGOs.

Georgia has also advanced its international cooperation in terms of combating THB, both on a bilateral and multilateral level with foreign countries as well as with international organisations. Notably, 2017 was a significant year for Georgian authorities, as the country officially became an operational partner state of EUROPOL, after the agreement between Georgia and EUROPOL entered into force. Apart from this, seven international agreements were concluded between Georgia and foreign governments in 2017–2018 in the area of joint cooperation in law enforcement and five international agreements in the area of transnational crime prevention in 2019. Moreover, Georgian authorities participated (either hosting in Georgia or visiting abroad) in nine international high-level governmental meetings in 2017–2018 and six in 2019.

Despite these achievements, representatives of the PDO and IOM raised concerns over infrequent meetings of the Council and disclosure of information. PDO Representative also noted that the Council meetings were previously more active, with fruitful discussions and engaging communication, held more frequently, however, now these meetings tend to be more formal, leaving no room for discussions and challenging pre-determined decisions. IOM representatives also mentioned that interim progress reports are not shared with external stakeholders, therefore, there is a scarcity of up-to-date information on issues regarding THB in the country. Other stakeholders (such as ICMPD and NGO Anti-Violence Network of Georgia) indicated that the level of coordination and information sharing between the Council and external stakeholders can be considered satisfactory, but there is always room for improvement.

Conclusions

Considering that only one out of twenty-two specific objectives of 2017-18 NAP has not been implemented, while twenty specific objectives have been fully implemented and one is still ongoing, this results in five out of six strategic goals fully implemented, while one - partially implemented. Only four out of twenty-four specific objectives of 2019-20 NAP have not been implemented, while seventeen have been fully implemented, one - mostly implemented and two were still ongoing by the time of evaluation, which makes five out of six strategic goals fully implemented, while one strategic goal - partially implemented and actions were still ongoing by the time of evaluation.

1. Introduction

1.1. Evaluation Background

Trafficking in human beings (THB)¹ or trafficking in persons (TIP) is internationally defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”² States have international obligations to criminalise THB, to prevent its occurrence, to provide proper protection and reparation for victims of trafficking and to strengthen international cooperation on border control, document security and other joint measures aimed at prevention of THB globally.³

Georgia is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, more specifically, forced prostitution of women and forced labour of men, women, and children.⁴ Georgian victims have been subjected to forced labour in other countries and, to a lesser extent, sex trafficking within the country; whereas in Georgia, women from other countries (mostly Central Asian) were sexually exploited.⁵ In addition, children are subjected to forced begging in streets.⁶ The analyses of THB cases revealed that the methods and means of trafficking by alleged perpetrators has changed. Non-physical forms of coercion instead of deprivation of personal documents or placing someone in modern conditions of slavery, is widely used by alleged traffickers.⁷

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- 1 Present document uses term Trafficking in Human Beings and accordingly abbreviation ‘THB’.
 - 2 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000: Art. 3a.
 - 3 Ibid, parts I, II, III.
 - 4 2020 Trafficking in Persons Report, US Department of State, June, 2020, p.219.
 - 5 Ibid
 - 6 OSCE country visit report, infra n.20, para.24, p.7.
 - 7 Reply from Georgia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties Second evaluation round (Reply submitted on 3 February 2015), p.4.

Georgia has effectively criminalised trafficking in human beings in its domestic legislation⁸ and adopted a set of domestic implementation measures, including establishing and empowering specialised agencies responsible for combating THB.⁹ Among other measures, Georgia also has involved a number of governmental entities to successfully implement the adoption of National Action Plans (NAP) for combating THB. Since 2006, Georgia adopted eight NAPs.¹⁰ In addition to the adoption and implementation of the NAP, state authorities have also established a mechanism to track progress of its implementation by submitting periodical reports from governmental agencies responsible for combating THB.

The present evaluation is a first-ever attempt to review the implementation of NAP by external stakeholders (experts) and has, therefore, been acclaimed as an important step forward towards ensuring that additional reporting mechanisms are in place. For the purpose of this document, the term ‘evaluation’ is applied with a meaning which incorporates features of monitoring and review processes.¹¹ In other words, this evaluation is carried out to monitor and examine the progress of planned activities, to identify operational difficulties and to provide concrete recommendations. The evaluation is aimed at improving the efficiency and effectiveness of an initiative and ensuring that activities are transformed into results and outputs. It provides feedback to donors, implementers and beneficiaries on the project. Furthermore, the evaluation report also assesses the overall performance of responsible agencies with a specific emphasis on operational aspects. The outcome document of this evaluation process is the present report, which identifies main achievements, challenges and opportunities during the implementation of NAPs by Georgian authorities.

1.2. Evaluation Objectives

The primary objective of the present report is to provide evaluation on the status of implementation of Georgia’s National Action Plans (NAP) for combating Trafficking in Human Beings (THB) adopted for the years of 2017–2018 and 2019–2020. The report covers the evaluation of NAPs and progress reports for NAP 2017–2018 and the 2019 segment of the 2019–2020 NAP. The Action Plan is adopted once in every two years under the auspices of the Inter-Agency Coordination Council for Combating Trafficking in Human Beings (Council), which consists of all major state institutions as well as invited national and international organisations, such as NGOs, the Parliament of Georgia, International Organisation for Migration, and more. Based on the NAP, state institutions submit annual progress reports to the Secretariat of the Council, reflecting on compliance with the obligations undertaken through the NAP. After the conclusion of the

8 Criminal Code of Georgia, art. 1431 and 1432 .

9 Detailed overview of legislative and institutional framework of Georgia is provided in Chapter two.

10 Data retrieved from the official web-site of the Ministry of Justice of Georgia, see following link <https://www.justice.gov.ge/Ministry/Department/334> [last visited 01.09.2020].

11 For definition of “evaluation”, “monitoring” and “review” please see Monitoring and Evaluation Handbook for National Action Plans against Trafficking in Human Beings, ICMPD publication, 2010.

NAP, final progress report is drafted and submitted. The idea to have an external evaluation of the implementation of NAP is derived from the fact that the progress reports, which serve as a major source of information are drafted and submitted by the state authorities, therefore, the effectiveness of actions taken to achieve main objectives of NAP is measured by the entity which took the action. For the sake of transparency, scrutiny and accountability, it was decided by the Council that in order to increase reliability of the implementation of NAP, it is beneficial to have an external evaluation of the progress of implementing NAP.

The external evaluation does not constitute an assessment of the relevance, effectiveness, efficiency and/or the impact of the actions. Instead, it aims to provide an overview of the overall status of implementation of the actions envisioned in NAP and determines the obstacles or enabling factors that hinder proper fulfilment or expedite the implementation of particular actions. This evaluation is carried out from the perspective of the state authorities and not the beneficiaries of services provided by the state authorities. The present report is an outcome of this external evaluation, which reflects findings of the evaluation process and provides recommendations (where applicable) on how to improve or advance the implementation of NAP. This report can serve as a point of reference for national authorities as well as NGOs working on countering THB in Georgia and international stakeholders.

1.3. Methodology

The evaluation process of the NAP was conducted in six different phases during June–September 2020:

1. **Preparation:** Defining how the Implementation of NAP should be evaluated, including roles and responsibilities of the experts as well as the communication methods (June 2020);
2. **Implementation:** The experts developed the methodology for the evaluation according to the defined objectives (list of actors to be interviewed, the areas to be assessed, the evaluation instruments i.e. questionnaire, etc.). The collection of qualitative and quantitative data was carried out with desk research, survey on evaluation of NAP as well as follow up interviews.
3. **Desk research** covers the legislation and practice of Georgia regarding THB matters, previous NAPs and progress reports for the 2017–2018 NAP as well as the 2019 segment of the 2019–2020 NAP.

The overall evaluation does not only focus on these two reports, but rather focuses on similar actions in both reports and highlights the status of implementation in each of the reporting

periods. In addition, experts also studied the best international practices on evaluation of implementation of NAPs in order to identify opportunities for improvement.

For the purpose of self-evaluation, interviews were conducted with all major state institutions represented in the Council as well as with external actors (subject to their agreement to such an interview) who enjoy a status of an invited member under the Council (NGOs, international organisations etc.). It is worth mentioning that the interviewees are not high-ranking public officials but rather technical-level civil servants and experts whose everyday activities are related to combating THB. The reason being, their expertise is more context-specific and they provide detailed in-depth analysis on how NAP actions are being implemented and the obstacles and shortcomings thereof.

Interviews were conducted with most of the Council members.¹² The Council consists of representatives from the following institutions: Ministry of Justice, Ministry of Education, Science, Culture and Sports of Georgia, Ministry of IDPs from Occupied Territories, Labour, Health and Social Care of Georgia, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Economy and Sustainable Development of Georgia, Human Rights Secretariat of the Administration of the Government of Georgia, Parliamentary Secretary of the Government of Georgia, Office of the Prosecutor General, Agency for State Care and Assistance of (Statutory) Victims of Human Trafficking (former State Fund for Protection and Assistance to (Statutory) Victims of THB) and the Office of the Public Defender. Furthermore, certain NGOs and international organisations provided their input through interviews.

The questionnaire for the evaluation was developed according to the pre-defined objectives and the focus was on four main points, specifically, the following information was provided by the interviewees:

- (1) self-evaluation of actions, for which they are responsible;
- (2) based on which indicators they measure completion of particular objectives and actions;
- (3) how they would evaluate their performance in fulfilling their commitments under the NAP; and
- (4) what are the issues/challenges that hinder the implementation from their point of view, how are these issues addressed, and their recommendations for improving the implementation.

Furthermore, external actors were asked to provide an overall evaluation of the process of the NAP implementation without focusing on particular actions or performances of particular state institutions (July–September 2020).

- 4. Review:** The findings of desk research, interviews and questionnaire responses were compiled and analysed and the final results, corresponding to specific areas of inter-

12 Please see annex 1 for detailed list of interviews.

vention, were summarised. Pursuant to the advice from the Council, only specific sections and subsections of the NAP were evaluated. Implementation of each NAP section was separately assessed with four possible modes: (i) the section is fully implemented (ii) the section is partially implemented (iii) the section is mostly implemented or (iv) the section is not implemented at all. And based on the evaluation of implementation of each section, final conclusions were made on full implementation of 2017–2018 NAP and partial implementation of 2019–2020 NAP (September 2020).

5. **Compilation of the Evaluation Report** with recommendations on advancing the implementation of the NAP based on the conducted analysis (September – October 2020).
6. **Presentation and Distribution:** Field work, research, drafting the report as well as the evaluation was carried out by a local expert in close cooperation with an international expert.¹³ Findings of the report are exclusively opinions of the authors. Final draft was also presented to the Council for their comments, and later published and shared among the state and non-state agencies represented in the Council. The Council members agreed for the report to be published, at the same time, the report remains as a working document (for facilitating their further actions in the process of implementation of the current and future NAPs). It is understood that the primary beneficiaries of this document will be the Council and its members.

1.4. Structure of the Report

The report has five chapters, executive summary and annexes. The executive summary provides a general overview of the entire document and compilation of main findings. Chapter one is an introduction which explains the evaluation background, objectives, research methodology, structure of the document and special notes on ethical standards and personal data protection. The second chapter provides a general overview of the legislative and institutional framework for combating THB in Georgia as well as a description of inter-agency cooperation with a specific emphasis on NAP. Chapter three constitutes the core of the present document, reviewing the process of implementation of 2017–2018 NAP and 2019 segment of 2019–2020 NAP. Sections and subsections follow the structure of the NAP itself, which is in line with the so-called ‘4P principle’ – prevention, prosecution, protection and partnership, which means that actions under each those “P” sections are analysed and grouped as each “P”. Additionally, the report also analyses other supplementary parts of the NAP in the same sequence as they appear in the NAP. The fourth chapter provides general conclusions and the fifth chapter – recommendations. Annexes include the list of stakeholders interviewed and the table of implementation of NAPs.

13 Please see biographies of the authors below.



2. Legislative and Institutional Framework for Combating THB in Georgia

2.1. General Overview of the Legislative and Regulatory Framework

Combating trafficking is one of the key priorities of the Government of Georgia (GoG). In this regard, anti-THB policy of the Georgian government is entirely designed around the so-called 4 P's. Efficient measures are adopted in order to enhance **P**revention, **P**rotection, **P**rosecution and **P**artnership in terms of countering THB. In this context, an adequate legislative framework is in place; since 2003, the Criminal Code of Georgia criminalises trafficking in human beings. More specifically, in 2003, provisions criminalising trafficking in human beings were introduced in the Criminal Code of Georgia (CCG), namely, Articles 143¹⁴ and 143^{2 15} – criminalising trafficking of adults and children. The anti-trafficking provisions of the Criminal Code were amended and supplemented in 2006 and 2007, leading to significantly increased sanctions for the crime of trafficking, the introduction of the criminal liability of legal persons and Article 143³ on the criminalisation of the use of services of victims of trafficking. The legal person for THB crime will be punished by deprivation of the right to carry out activities or by liquidation.

The UNODC Model Law on Trafficking in Persons uses Georgian criminal code as a good example in terms of THB legislation.¹⁶

Furthermore, in 2006, Georgia adopted the Law on Combating Trafficking in Human Beings¹⁷ to prevent trafficking in human beings, protect the victims/statutory victims of trafficking and prosecute perpetrators. The Law sets out a framework of significant guarantees for the victims of trafficking. It represents a substantial safeguarding mechanism as well as a practical tool in the fight against trafficking.

Additionally, the Criminal Procedure Code envisages certain supplementary protection measures in relation to victims of trafficking. These include: a right to a closed hearing of a criminal

14 Article 143¹ of CCG prohibits selling or buying a person or carrying out any other illegal transactions, as well as enticing, transferring, harboring or receiving a person by means of coercion, blackmail or deception, by using vulnerable situation or abusing of power, with the purpose of exploitation.

15 Article 143² of CCG prohibits Buying or selling a minor or subjecting him/her to other forms of illegal deals, as well as enticing, conveying, hiding, hiring, transporting, handing over, harboring or receiving a minor for the purpose of exploitation;

16 UNODC Model Law against Trafficking in Persons, V.09-81990 (E), p.22. <https://www.unodc.org/documents/human-trafficking/UNODC_Model_Law_on_Trafficking_in_Persons.pdf> [last visited 01.09.2020].

17 The Law on Combating Trafficking in Human Beings (28.04.2006 #2944).

case on trafficking human beings, if a party to a case so requests;¹⁸ a victim cannot be interrogated as a witness during a time-period given to him/her as a reflection period.¹⁹

Georgia is a party of major international instruments related to THB, in particular the United Nations Convention against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), ratified on 5 September 2006, and the Council of Europe Convention on Action against Trafficking in Human Beings, ratified on 14 March 2007. Georgia has also ratified a number of Conventions addressing slavery and forced labour such as the ILO Forced Labour Convention No.29, ratified in 1993, the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1996 and the ILO Convention on Worst Forms of Child Labour No.182, ratified in 2002. Georgia ratified the UN Convention on the Elimination of All Forms of Discrimination against Women in 1994 and the UN Convention on the Rights of the Child in 1994. The Optional Protocols on the involvement of children in armed conflict and on the Sale of Children, Child Prostitution and Child Pornography were ratified in 2010 and 2005, respectively. Georgia ratified the Cyber Crime Convention of the Council of Europe (Budapest Convention) in 2012. This convention serves as a good initial base for investigation of technology-enabled trafficking in human beings, including sexual exploitation of children and promote international co-operation. In 2014 Georgia also ratified the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) that sets an effective mechanism for combatting human trafficking. Nevertheless, the OSCE Special Representative highlights the need for additional legislation and policy action, which would guide the State to effectively address technology-facilitated human trafficking.²⁰

Although being party of the above mentioned international conventions was acclaimed by various international organisations,²¹ Georgia still has not ratified the ILO Convention 189 concerning Decent Work for Domestic Workers, which serves as an effective instrument for the prevention of labour exploitation, especially for domestic servitude, the Protocol of 2014 to the Forced Labour Convention of 1930, which aims to advance prevention, protection and compensation measures against all forms of forced labour and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

With the existing legal and policy framework on THB, Georgia is suitably equipped to properly address matters related to trafficking. In addition to the legislative framework, the Council elaborated the 'Guidelines for the Law Enforcement on the Investigation and Prosecution of Trafficking Cases and Treatment with Victims and Statutory Victims of Trafficking in Persons', which were disseminated to all competent law enforcement authorities in 2014. In 2017, the Council revised

18 Criminal Procedural Code of Georgia, art. 182(3).

19 Ibid, art. 50(1).

20 Report by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings following the country visit to Georgia 17-19 June 2019. para.8, p.2.

21 Ibid, see also Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Georgia (Second Evaluation Report), GRETA, 2016.

the above-mentioned Guidelines, aiming at reflecting the legal amendments introduced to the Criminal Procedure Code of Georgia and responding the current trends of human trafficking.

2.2. General Overview of the Institutional Framework

The National Referral Mechanism (NRM), which has been in place since February 2007, ensures that all presumed and identified victims of trafficking are dealt with according to the prescribed legal standards. NRM covers the procedures from the moment a potential victim is identified as a victim of trafficking to the moment a victim is safely returned to his/her country or city of origin. It also determines the procedures for providing the victim with assistance measures as entailed in the Law on Combating THB. A State Fund for the Protection of THB Victims has been in place since 2006. After undergoing reorganisation, the Fund is now operating under an expanded mandate and new denomination – LEPL Agency for State Care and Assistance For the (Statutory) Victims of Human trafficking. The Law on Combating THB introduced a new mechanism for protection of persons subjected to THB: it provides for a possibility for the persons allegedly subjected to THB, to receive protection from the State, notwithstanding their willingness to cooperate with the law enforcement authorities. Namely, the Law on THB provides that there may be “victim of THB”, i.e. a person, identified as a victim of this crime, who incurred the moral, physical or material damage and who is recognised as a THB victim by the Permanent Group created at the Interagency Coordination Council. Thus, there may be persons, recognised as “THB victims”²² by the Permanent Group, who shall be distinguished from the “statutory victims of THB”, i.e. persons, who are willing to reveal their cases to the law enforcement bodies and are recognised as THB statutory victims in accordance with the Georgian criminal legislation.²³

Since 2006, two shelters for the victims/statutory victims²⁴ have been operating under the State Fund for the Protection of and Assistance to (Statutory) Victims of THB. These shelters ensure the provision of necessary services for victims/statutory victims (including their accompanying persons), which is financed by the state budget. The State Fund also provides payment of one-off compensation in line with Georgian legislation.

The Interagency Coordination Council on Combating Trafficking in Human Beings was established in September 2006 under the Ordinance of the President²⁵ and then re-established on 10 April, 2014 under the Governmental Decree.²⁶

22 Please note, that the National Referral Mechanism has been employed by the Permanent Group for granting a status of the “TIP victim” since 2007. The decisions are made by a group, composed of only non-governmental and international organisations.

23 The Law of Georgia on Combating Trafficking in Human Beings (2006), art. 14 et.al.

24 The term victim used separately in this report should be understood as to cover the term ‘statutory victim’ as well. In some instances, those two terms are applied together.

25 Presidential Ordinance on Establishment of the Inter-Agency Coordination Council for Taking Measures against Trafficking in Human Beings and Adoption of its Statute. 01.09.2006, No.534.

26 Decree of the Government of Georgia on Adoption of Composition and Statute of the Inter-Agency Coordination Council for Taking Measures against Trafficking in Human Beings. 10.04.2014, No.281.

The head of the THB Council is the Minister of Justice of Georgia. Apart from this, the following governmental agencies are members of the Council: Ministry of Education, Science, Culture and Sports of Georgia, Ministry of IDPs from Occupied Territories, Labour, Health and Social Care of Georgia, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Economy and Sustainable Development of Georgia, Human Rights Secretariat of the Administration of the Government of Georgia, Parliamentary Secretary of the Government of Georgia, Office of the Prosecutor General, Agency for State Care and Assistance of (Statutory) Victims of Human Trafficking (former State Fund for Protection and Assistance to (Statutory) Victims of THB) and Public Defender's Office of Georgia. Parliament of Georgia, US Embassy to Georgia, International and local NGOs are actively involved in the working process of the Council.

THB Council is responsible for coordinating all national actors, preparing/drafting the national action plans and monitoring actions against trafficking in human beings. The Council also supports activities of the respective state bodies in the field of prevention of trafficking in human beings, fighting against it and protection, assistance and rehabilitation of victims/statutory victims of trafficking. It also coordinates the collection of information from relevant sources, including international organisations and local NGOs working on anti-trafficking issues. One of the major objectives of the Council is to develop constructive proposals regarding the issues of trafficking to be submitted to the Government of Georgia.²⁷

In addition, Georgia has taken significant steps to fight labour trafficking. Labour Conditions Inspection Department was created in 2015 within the Ministry of Labour, Health and Social Affairs, whose inspectors have already visited dozens of companies. Currently, labour inspectors can enter companies if they have a probable cause on trafficking in human beings (THB), labour exploitation or forced labour but the department does not have the power to impose sanctions. The Ministry of Internal Affairs stepped up its intelligence-led investigations into all forms of exploitation. Most of the investigations were the result of a proactive approach. To secure the testimony of buyers of trafficked women, the Criminal Code was amended to allow for the non-prosecution of those who cooperated with the police in the investigation and prosecution of traffickers. The collection of data on victims and suspected traffickers, as well as other relevant information, is now centralised in a single database. All key agencies may access and share this information. The existence of two separate hotlines for victims of trafficking, one operated by the Ministry of Internal Affairs, and another by the State Fund, is justified by the fact that some persons may wish to receive assistance without necessarily cooperating with law enforcement authorities. Partnerships with countries identified by EUROPOL as key destinations and sources of trafficking have been enhanced with the allocation of police attachés and mutual legal assistance.²⁸

27 Ibid, Statute of the Council.

28 Fourth progress report on Georgia's implementation of the action plan on visa liberalization. EU Commission, 18.12.2015. p.6.

2.3. National Action Plans

As mentioned above, since 2006, Georgia adopted eight NAPs for effective fight against THB. NAPs are formal documents, which are drafted and formally adopted by the Council. The elaboration process of the NAP is usually quite inclusive as the representatives from governmental and non-governmental agencies, US Embassy and the members of the Parliament are actively involved in the working process. NAPs are structured to reflect the so-called “4 Ps Principle”, which covers following issues: (1) **Prevention** of trafficking; (2) **Protection** of the victims of trafficking; (3) Effective **prosecution** of the crimes of trafficking; and (4) **Partnership** with relevant governmental and non-governmental institutions.²⁹

The 2017–2018 NAP was adopted by the Council on December 15, 2016, whereas 2019–2020 NAP has been formally endorsed by the Council on December 24, 2018.³⁰ Both NAPs follow the same six strategic goals and texts are structured accordingly in both documents:

1. Policy making in the area of combating THB;
2. Prevention of the crime of THB;
3. Protection of victims of the THB;
4. Effective prosecution of the crime of THB;
5. Capacity building of the staff working on THB issues; and
6. Cooperation and coordination.

Evidently, the NAPs follow the “4P principles” and additional two key goals are also introduced: policy making and capacity building. These general goals are then broken down to specific objectives and particular actions which are assigned to the implementing agencies and partner institutions. The NAPs also provide indicators for measuring progress of implementation for each action and timeline for this implementation.

Overall, Georgia has an advanced legislative and institutional framework as well as a well-established practice of NAP adoption and implementation, which enables it to be among the frontrunners in fighting against THB not only in the region but also globally. Georgia’s progress is measured by various authoritative institutions, among others, over the last five subsequent years, the US Department of State has included Georgia in Tier 1 (most advanced) in its annual THB report.³¹

Accordingly, Georgian authorities are fully equipped with sufficient human and financial resources to continue effective fight against THB and to tackle new challenges. Implementation of the NAP and constant measurement of its progress is one of the key elements in evaluating

29 Obligations to prevent, prosecute and protect is derived from the Palermo Protocol, *supra*, n.2.

30 <https://www.justice.gov.ge/Ministry/Department/334>.

31 See US Department of State latest Report, *supra*, n.4.

Georgia's overall performance in its fight against THB, and thus, contributing to transnational cooperation in prevention of the crime of THB.

The existence of an effective legislative and institutional framework is also positively assessed by the latest OSCE report, in which Special Rapporteur noted Georgia's robust legal framework to prevent and combat human trafficking and the commitment of the Government to align it further to relevant international standards, as evidenced by recent changes made to legislative frameworks. He also commended the work of the Co-ordination Council and its efforts to address current and emerging issues related to combating human trafficking.³²

Moreover, an international non-governmental organisation 'Walk Free Foundation', which measures the Global Slavery Index, rated Georgia with the highest rank and placed it in the group of highly developed western countries in its 2019 report.³³ The report specifically underlined that when correlated against GDP per capita, Georgia stands out as taking relatively strong action when compared to those who have stronger economies. In light of its economic resources and wealth, the report positively assesses Georgia's response in addressing the issue of modern slavery.³⁴

2.4. NAP Implementation Challenges

Notwithstanding the effective institutional and legislative framework to ensure proper functioning of the system for fighting THB, there are still certain challenges in terms of effective implementation of NAP. More specifically, to outline some of these shortcomings indicated by various stakeholders during interviews, the following has been observed:

- **Indicators:** each specific objective and sub-action is linked to a concrete indicator that measures the progress of implementation. However, these indicators are too vague and ambiguous, leaving a margin of evaluation whether that particular objective has been achieved or not. Mostly all external stakeholders as well as the Council itself referred to the hitches related to the inexplicit nature of indicators, which sometimes hinders measuring the progress. The Council further noted that they are working to re-structure the entire NAP for upcoming years and this issue will also be addressed.
- **Routine functions of state institutions:** some interviewees expressed concerns over the leverage of routine functions of state institutions, which constitute obligations to be fulfilled under the NAP. They also noted that these actions (e.g. state services) are

32 OSCE country visit report, *supra*, n.20, p.5, paras. 19–20.

33 *Measurement, Action, Freedom*, an independent assessment of government progress towards achieving UN sustainable Development Goal 8.7, Walk Free Foundation, 2019, p.33.

34 *Ibid.*

an obligation of state authorities to follow, even if they are not necessarily set forth by the NAP, therefore, the NAP should include only the obligations that state institutions commit to fulfil (as stated in the NAP). Otherwise, this would allow an artificial increase in implementation rate. Other respondents indicated that removing the actions from the NAP would not give an accurate picture of the situation in terms of combating THB in the country. Therefore, it is more reasonable to include these actions which constitute routine functions of governmental institutions and, at the same time play an important role in state's effort to fight against THB.

- **Policy-making:** one of the representatives of the Secretariat of the Council mentioned that there is a lack of precise methodology and a clear vision on how specific objectives of the first block (Development of State Policy for Combating THB) are formulated. As a result, they change chaotically from year to year, based on concrete plans that the authorities set forth that specific year. This may sometimes cause uncertainty and confusion to why a particular objective or action may appear under this block. More importantly, formulating state policy for combating THB should be the basis for the rest of the blocks and should act as a source of reference for further actions under other blocks as well.
- **Resources:** quite a number of actions under the NAP require significant human and financial resources in order to be fully and effectively implemented. In most of these cases, state institutions rely on generous support from national or international donor organisations. Lack of resources is evident mostly within the Secretariat of the Council, where only two persons are employed in order to facilitate the day-to-day work of the Council; however, these two staff members have additional duties and responsibilities as part of their job description. Therefore, given the limited resources allocated for organisational purposes and other related actions, as provided in the NAP, it is even further encouraged to render assistance by international or national organisations for state institutions via funding actions leading to achievement of strategic or specific objectives of the NAP.
- **Evaluation of effectiveness** of capacity building activities: both NAPs include indicators to measure progress of work accomplished by state institutions. These indicators are not specific and mainly demonstrate the number of trainings and the participants. However, they do not specify the quantitative requirement for each activity, nor do they provide qualitative assessment of the progress. Without clearly defined indicators, even one training per specific objective can lead to a conclusion that this objective is fully achieved. During interviews, several stakeholders expressed concerns over such vague indicators. Some of them (e.g. NGO Anti-violence Network of Georgia) mentioned that the current model does not allow an exact assessment of progress in terms of trainings, and that it is impossible to pre-define a required number of trainings for each capacity building activity, mostly because trainings are usually held by support of donor organisations

and it is not always clearly foreseen how many trainings these organisations can fund. Others (e.g. IOM) articulated that the number of persons who were trained does not give an overall picture of the progress. It would be more helpful if the figures also indicated percentages of trained persons in relation to the group or subgroup to which they belong for the purposes of the NAP. Moreover, qualitative assessment should also be in place to determine the effectiveness of each training, to analyse and decide upon further needs in terms of planning future capacity building activities. Representatives of the Office of the Public Defender (Ombudsman) also had concerns over the vague indicators, stating that they may artificially increase the progress of implementation of the NAP, because in absence of clearly defined indicators, even a few trainings or other types of capacity building activities would be sufficient to consider this particular objective as fully achieved. The Secretariat of the Council also agrees that such confusing indicators complicate the measurement of progress for particular actions, but they are currently developing a new model of NAP, which is more precise, sets clearly defined indicators and makes it easier to track the progress of implementation.

3. Achievements under the Strategic Goals and Specific Objectives in the National Action Plan of 2017–2018 and 2019–2020

3.1. Policy Making

This strategic goal is further detailed through the objectives in both NAPs. The 2017–2018 NAP foresees a specific objective of carrying out research on THB-related topics, whereas the 2019–2020 NAP provides enhancement of mechanisms for combating THB as a specific objective in achieving this strategic goal.

With regard to the specific objective of carrying out research, it is clear that the primary purpose of this objective is to elaborate evidence-based state policy, which is well-analysed in advance, that also enables state authorities to plan and conduct actions in a more sustainable manner, pursuant to the findings of the research, which preceded the process of policy-making in this area. The NAP does not clarify whether this objective implies academic research, gathering qualitative or quantitative data, experiments, focus groups or any other methods, but rather specifies areas, in which such research should be carried out.

Based on the information provided by the governmental authorities,³⁵ 2017–2018 can be characterised as a period for solid research activities for the purpose to formulate or revise the state policy in specific THB areas. In particular, eight different types of research projects were initiated during NAP 2017–18, out of which six were completed within the planned timeframe and two are still being developed (at the time this report being drafted). Four studies were carried out by the Council (three of them by the Secretariat of the Council and one by a working group specifically set up for this task), while one research was outsourced through grants programme for NGOs – funded by the Ministry of Justice of Georgia, and one research was conducted by joint efforts of various international donor organisations in cooperation with state institutions. Two studies, which are yet to be carried out are expected to be organised by the Council and by the Ministry of Labour, Health and Social Care of Georgia.

35 Final Progress Report on Implementation of 2017–2018 NAP and Interim Progress Report on Implementation of 2019–2020 NAP.

Four studies carried out by the Council covered the following themes: (i) profiles of victims/statutory victims and perpetrators of THB and gathering statistical data; (ii) rules for reparation and compensation for victims/statutory victims of THB; (iii) possibility to discharge victims/statutory victims of THB from criminal liability; and (iv) opportunities to establish joint investigation teams in cooperation with law enforcement bodies of foreign countries.

Two outsourced research projects were both related to the issue of homeless children. One of them was carried out by an NGO, selected through open call for grants programme funded by the Ministry of Justice. This project consisted of an inception phase for identification of key triggering factors that force children out in streets and was followed by an information campaign also funded through the grants programme by the MoJ.³⁶ The second project was a comprehensive and thorough analysis of all social, psychological, financial, educational and other aspects related to the issue of homeless children. This research was generously funded by various international donor organisations, which formed an executive board and hired an international research company for this purpose. Based on the findings of the research, policy recommendations have been elaborated and submitted to the GoG for implementation.

Two pending research projects are: (i) the analysis of international legislation and practices in the field of surrogacy for the prevention of child trafficking and (ii) a study on defining the term 'labour exploitation'. In fact, both of these projects have been commenced and several steps have been taken for progressing, but by the time of drafting this report, neither of these projects have produced any final results.

While analysing a correlation between research and policy, it is crucial that policy recommendations and steps for further actions are based on research and evidence. Otherwise, just gathering statistical data or studying international practice would serve little purpose. Some of the research projects mentioned above³⁷ have produced policy recommendations and steps for further actions, which indeed served the primary objective of fostering evidence-based policy making. However, in some instances,³⁸ it seems that research was only focused on collection of statistical data for information purposes and did not envisage the inclusion of this data in formulation of state policy on tackling THB. Although the work of the Council and its secretariat is highly regarded, it is worth noting that the Secretariat staff are technical employees at the MoJ, having additional duties and responsibilities and for the sake of comprehensiveness and effectiveness of the research activities, it would be recommended that the studies are conducted by professional research companies hired for this purpose; and the secretariat would only coordinate and supervise the overall research process. It is understood that outsourcing mostly includes additional human and financial resources, but this would be an excellent opportunity to engage donor organisations.

36 Grant competition on the topic „Information Campaign on Prevention of Damage from Abuse of Drugs and Trafficking of children working and/or living on the streets“ Lot 3. This grant programme was run by the Ministry of Justice of Georgia and was designed for local NGOs.

37 Namely the ones, carried out by external actors (NGOs and donor organizations).

38 Namely, statistical data analysis carried out by the Council.

Even though the exact volume, scope, scale or types of research projects are not defined in the NAP, it can be concluded that completing six research projects and additionally initiating two, are sufficient enough to consider this specific objective fully achieved.

Furthermore, the satisfactory accomplishment of the specific objective related to research can also be confirmed by the fact that research is no longer a focus of the same strategic goal within the 2019–2020 NAP. Instead, the current NAP switches from research to advancement of existing mechanisms for combating THB. This rather ambiguous objective is divided into two specific actions: (1) analysing ongoing cases of THB in order to identify new tendencies, profiles of victims/statutory victims and perpetrators and (2) elaboration of national strategy for the protection of homeless children, including their protection from trafficking.

It should be noted that the first action seems to be a continuous action, as it is met in the 2017–2018 NAP as well and was deemed to be fully achieved due to completing profiling the cases. As per information received from state authorities, 2019 has been marked with significant progress in this regard, not only was the profiling of cases carried out and analysed by the Council, but the report was also published and is available to public.³⁹ Utilising this online platform, run by the Office of the Prosecutor General, is an excellent opportunity to turn it into a permanent tool for informing stakeholders and the wider public, updated on a regular basis. Therefore, collection and procession of statistical data and profiling the cases for 2019 can be considered fully implemented.

With regard to the second action, information provided by the state authorities indicate that the process of elaboration of the national strategy for the protection of homeless children has been set in motion and in fact, a concept note was already adopted, which will serve as a baseline document for elaboration of the national strategy. Progress in this regard is evident and a working group, including all relevant institutions, is currently being established, which will be responsible for drafting the national strategy for protection of homeless children. Given the complex nature of this issue and a need for a holistic approach in elaboration and adoption of such national strategy, it is highly likely that this action will be carried on to the next NAP cycle in 2021–2022. However, progress achieved so far can be assessed positively and this specific objective – partially implemented. ***Overall, the first strategic goal of both NAPs, which is development of state policy, can be considered achieved as far as specific objectives under this goal are either fully implemented (in relation to 2017–2018 NAP) or mostly implemented (in relation to 2019–2020 NAP).***

39 See detailed information and data here: <http://pog.gov.ge/news/adamianis-uflebaTa-dacvis-sam-marTvelom-trefikingis-danashaulebze-angarishi-moamzada>.

3.2. Prevention

Prevention plays an important role in combating THB globally. Therefore, both NAPs have devoted solid space to prevention, which is divided into two specific objectives in both 2017–18 and 2019–20. The first specific objective is to raise awareness on THB; and the second specific objective is related more to identification of homeless children and provision of information on THB-related matters to minors. Actions listed under the first specific objective are identical in both NAPs.

Georgian state authorities carried out significant efforts in raising awareness among all target groups regarding THB and its prevention. Awareness raising usually plays an important role in informing the general public, providing specific information proactively, empowering vulnerable groups and overall communication. Therefore, Georgian state authorities decided to adopt an information action plan, which would envisage proper communication on issues related to THB as well as information meetings or events. The first information action plan on combating THB was prepared and adopted in 2017 by the special working group established by the Council. This action plan provided certain obligations for state institutions to carry out information campaigns and awareness raising activities and to report back to the Council on their performance. In 2019, the Council adopted a slightly different approach regarding the information action plan where the state authorities focused mostly on labour trafficking; all members of the Council pledged to undertake information activities under their competence and, thus, a consolidated action plan was not adopted. However, a special Action Plan focusing on labour trafficking was prepared by the Council where all information activities were foreseen. As long as the information action plan constitutes an informal document for internal communication and coordination, formal endorsement of this plan is not an absolute prerequisite to measure the fulfilment of a specific objective. The decisive factor in evaluating the implementation of this objective is the scale of outreach, the number of information events carried out as well as the number of persons that the campaign reached.

Another action which is listed under the first specific objective of prevention is effective teaching of THB-related topics in secondary and higher education institutions. Information provided by the authorities indicate that the civil education textbooks contain several lessons about migration, THB and related risks for students in secondary schools (from 9th to 12th grade) which have been licensed since 2012. Taking into consideration the timeframe for the lessons as well as the content in the textbooks, it can be concluded that these segments in civil education provide students with a general overview on migration, THB, modern day slavery and prevention methods. According to the information provided by the Ministry of Education,⁴⁰ licensing new textbooks is currently underway and it is intended to introduce THB-related topics in civic education courses for students in 9th grade. In absence of more detailed information, it is important

40 Interview with the representatives of the MES (04.09.2020).

that the Council attentively track the process of licensing new textbooks to ensure that civil education course contains sufficient timeframes and modules for teaching THB to students of basic and secondary stage of education.

The situation is completely different with regard to teaching THB in higher educational institutions (HEI). Apart from being taught as part of criminal law and human rights courses on an undergraduate level, certain THB topics are included in various courses on master's level in at least six different HEIs. Some of these courses are fully devoted to THB, while others have intersecting nature with transnational criminal law, migration law etc. However, as explained by the representative of the MES, Georgian educational system acknowledges academic freedoms of HEIs, which means that unlike to secondary education, where in fact, governmental authorities determine what needs to be taught in schools, HEIs have full freedom to decide which courses they will teach and which topics be included in those courses. Although, a relatively small number of HEIs offer students specific courses on THB, state institutions can not intervene in internal academic policy of HEIs and cannot dictate or impose to increase number of courses or topics related to THB. Therefore, it is crucial for the Council to start direct communication and cooperation with HEIs in order to promote teaching THB-related topics. As it is demonstrated below, the Council has already had fruitful cooperation with HEIs in conducting joint activities, however, it is also important to advance the collaboration in this matter.

Another manifestation of productive cooperation with educational institutions is the remarkable number of information meetings with students of secondary schools, professional and higher educational institutions. Various institutions represented in the Council, in cooperation with the International Organization for Migration (IOM), carried out approximately 150 meetings with school students in 2017-18 and over 70 meetings in 2019.⁴¹ These meetings were carried out in the form of lessons, workshop, discussion, round table, community gathering or a movie screening. In total, over 7,000 students attended these information meetings, covering most of the area of country, including villages along the administrative boundary line. Additionally, state authorities and IOM conducted 20 information meetings in professional and higher educational institutions in 2017-18 and 10 in 2019, reaching to hundreds of students and spreading the information about risks of THB and its preventative measures as well as the services provided by the state.

Furthermore, state authorities and IOM organised information meetings with the most vulnerable groups, persons living in rural areas, IDPs, children, ethnic minorities, people living alongside the administrative boundary line, etc. Overall, 22 such meetings were held in 2017-18 and 32 in 2019 with hundreds of attendees.

The Council also organises annual Moot Court competition for university students, where participants argue over hypothetical cases on THB and practice their legal skills (both, research

41 See Progress reports, *supra*, n.35.

and verbal presentation). The training course for selected teams usually takes place before the competition commences, therefore, each year, around 40 students from various law schools from all over Georgia get an opportunity to gain information about domestic and international legal regulations for combating THB. Three Moot Court competitions were organised throughout the reporting period (in 2017, 2018 and 2019). The winners of the competition also had an opportunity to undergo professional practice at the MoJ.

Moreover, state authorities have also been active in producing and broadcasting social adds on TV and radio. Special video adds promoting the hotline for victims of THB and providing brief, general information have aired on five TV stations in 2017, three in 2018 and 2019. Most importantly, the Public Broadcaster, that covers the entire territory of Georgia, aired these adds in all three periods (2017-19). The same Public Broadcaster Radio aired an audio clip in 2017-18 as well, reaching the entire territory of the country. Furthermore, representatives of the State Fund for Victims of THB participated in seven TV talk-shows in 2017-18.

Georgian state authorities spare no efforts to disseminate brochures, leaflets and other information materials mostly in areas where potential victims of THB can be reached or areas with large crowds. For this reason, thousands of multilingual (Georgian, English, Russian, Azeri, Armenian, Turkish) information materials (including brochures, leaflets, t-shirts, caps, handbags, notebooks, etc.) were disseminated in 2017-19 in places such as: public service halls, community centres, Georgian diplomatic missions abroad, diaspora organisations, tourist information centres, border check-points, social centres and throughout the regions, which are characterised as high-risk for trafficking. All the visibility materials include relevant information about the risks of trafficking in an understandable language and also contain the hotline contact information in case a person finds themselves as a potential victim of THB. Members of the Council have been very active in disseminating information materials. Information provided by them indicate that all relevant state institutions and most primarily State Fund for Victims of THB have used all possible avenues in Georgia and also abroad (consular sections of Georgia's diplomatic missions) to reach as many people as possible, handing out various visibility items in order to spread information.

Another method for this large-scale information campaign is meeting with employers and employees of the private sector with a specific focus on labour exploitation. The primary goal of these meetings is to introduce new regulations on labour safety and general conditions on safety of workplace and, at the same time, to inform employees on their labour rights and mechanisms and how to protect themselves. In 2017-18, 13 such meetings were organised, whereas in 2019, only two such meetings were held and the approximate number of attendees was over 400.

In order to better inform the wider public, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Education, the Ministry of Foreign Affairs, Office of the Prosecutor General and State Fund for Victims of THB have regularly updated their activities and ongoing statistics in

the field of THB on their websites. These online platforms are very useful resources for any interested party to trace and track necessary information about all preventive activities as well as potential risks or mechanisms for protection of victims, contact information for the hotline, etc.

Finally, the Council always observes both, the International as well as the European Day for Combating THB by organising various activities such as, trainings, exhibitions, conferences or other promotional events. During the reporting period, each year, the Council organised and conducted series of activities marking the International and European Days for Combating THB.

Given the number of awareness raising campaigns, the number of attendees as well as beneficiaries of the campaign meetings, there is no doubt that this specific objective of the second block is being implemented in both NAPs. Besides, it is evident that state authorities carry out similar promotional events continuously, thus, making the implementation of this specific objective even more sustainable. ***Based on this consideration, it can be concluded that first specific objective of the prevention block is fully achieved.*** Nevertheless, given the need to continuously and proactively ensure raising awareness on THB among various target groups, it is recommended that Georgian state authorities continue to carry out different awareness raising activities as a means for effective prevention of THB.

Second specific objective of this block concerns the issue of homeless children, in particular, identification of children living and working in the streets as well as informing minors about the risks of THB. The Agency for State Care and Assistance of (Statutory) Victims of Human Trafficking has four mobile units tasked with identifying children who live and/or work in the streets, also to communicate with them and find out their needs and try to enlist them into various state services for vulnerable children. As a result of the activities carried out by these units, 332 homeless children were identified in 2017, 355 in 2018 and 428 in 2019. Moreover, Public Service Development Agency (civil registry) issued 26 identification documents to homeless children and/or victims of violence in 2017-18 and 27 in 2019. All the ID documents were issued free of charge. Social Service Agency also maintains communication with homeless children through various information campaigns, which aim at raising awareness on topics such as forced labour, exploitation, trafficking and related risks. Social Service Agency carried out such information meetings with 65 homeless children in 2017-18 and for 50 children in 2019.

Perhaps, the most challenging action under this specific objective is the one that sets forth an obligation to support the enrolment of street children into formal education (school). MES, in cooperation with partner national agencies or international donor organisations, run several programmes with the primary objective to provide inclusive educational environment for homeless children and to support their integration into society. Although such programmes had significant achievements in efforts to enrol homeless and vulnerable children into schools, representatives of the Ministry of Education still expressed concerns over the challenges that substantially hinder proper implementation of this activity.

First of all, it should be noted that the purpose of this activity goes far beyond what is mere support to enlist homeless children in schools. It is obvious that the main objective of this activity is to provide an effective mechanism to ensure that homeless children are traced, registered and enrolled in schools; also, to follow-up on these children on a regular basis in order to ensure that their schooling is successful. Several challenges have surfaced in this regard: (a) lack of communication among responsible agencies and problems in sharing relevant data among such agencies; (b) the stigma among the Georgian society towards homeless children; (c) lack of preparedness of homeless children to enter into classrooms; (d) attitudes of teachers and parents towards homeless children; (e) weakness of protection mechanisms to follow-up on the performance of homeless children once they get into schools.⁴²

During the interviews,⁴³ representatives of MES shared those problems that are associated with the process of admitting homeless children to schools. Firstly, it is hard to identify children whose parents never applied for them to attend school. MES has access to only birth registration data and based on this, they can calculate the average number of children who are not attending schools. However, they are not able to identify what happened to these children. Other state institutions can not disclose information about them due to personal data protection restraints, but as it was mentioned by the interviewees, legislation amendments are currently underway, which will enable sharing data among different state agencies (e.g. Ministry of Labour, Health and Social Care, etc.). This would give a clearer picture to MES on where to trace those children whose parents never applied to any schools. Secondly, once a child is admitted to school, they face challenges in adapting to the learning environment as well as integrating with their fellow classmates. As mentioned by the representatives of MES, children who never went to school have difficulties staying in the classroom during lessons, they face challenges with communicating with classmates, observing personal hygiene and dress code, etc. These children lack basic skills necessary to be effectively engaged in the learning process and thus, their presence in classes becomes a mere formality.

In addition, these children also face discrimination, harassment and stigmatisation from classmates and their parents and even teachers. Because these children lack proper behaviour needed in a school setting, teachers usually consider them a burden and try to exclude them from group activities, such as outdoor gatherings, excursions, etc. As stated by several interviewees, teachers sometimes deliberately fail them in most subjects in order to ensure they repeat the same grade and avoid this “burden” next year. As a result of the lack of attitude and willingness to integrate these children in an inclusive environment for everyone, homeless children usually leave school soon after their enrolment. If they do stay, their learning capabilities are not to the same level as their peers and after graduation, they are not able to work independently or to pursue independent life.

42 Supra, n.40.

43 Ibid.

Representatives of MES also stated that a special programme has been launched recently with support from UNICEF. This nine-month pre-school course aims at preparing homeless children for the learning environment, to equip them with all necessary skills required to effectively pursue their studies in schools. However, interviewees also expressed concerns that once a homeless child is admitted to school, they require constant monitoring in order to support their full integration into school life and guarantee proper education, but in absence of such supporting mechanism, as mentioned above, some children leave school or their schooling becomes nothing but merely attending lessons, which they do not understand properly.

It is crucial to ensure that homeless children are enlisted in formal education facilities but, at the same time, it is even more critical to secure that such inclusion indeed serves the child's best interests, ensures their integration into society, proper education and mastering all necessary skills for schooling. Homeless children are one of the most vulnerable groups for trafficking and without effective mechanisms for their inclusion into society, and more importantly, without provision of education, they will always be at the risk of becoming subjects to trafficking. ***Taking into account the shortcomings in proper identification of homeless children and more importantly, shortcomings in the process of admitting them in formal education, this specific objective cannot be considered implemented, however, steps have been taken, which are evident in both NAPs. These steps indicate that implementation of this objective has been instigated.*** However, state authorities still need to take more meaningful measures to ensure the welfare of homeless children and to prevent risks of their subjection to THB.

Based on the analysis above, ***it can be concluded that the first specific objective has been fully achieved in both NAPs, while implementation of the second specific objective has only started and is underway. Therefore, second (prevention) block can be assessed as partially implemented in both NAPs.***

3.3. Protection

The protection block, which sets forth basic safeguards for ensuring that victims and statutory victims of THB are duly cared for, is divided into two specific objectives: (1) effective functioning of shelter for [statutory] victims of THB and (2) safe and dignified repatriation of [statutory] victims to their permanent place of residence. It is understood that the State Fund for Protection of Victims stands in the centre of protection efforts and is supported by international organisations, external actors and other state authorities. Efficient functioning of the State Fund warrants proper protection for the victims and statutory victims of the THB; therefore, it is vital that State Fund operates transparently, devotedly and fully focused on the interests of victims and statutory victims.

Shelters which operate under the State Fund are subject to regular monitoring by the Fund itself and by external stakeholders, such as the Public Defender of Georgia. In 2017 and 2018, the State Fund carried out two regular monitorings of Tbilisi and Batumi shelters (two monitorings in each shelter, eight monitoring activities in total), whereas in 2019, the State Fund conducted two regular and two unplanned monitoring visits to Batumi shelter and three regular monitoring visits to three crisis centres (Tbilisi, Ozurgeti and Gori). As it was explained by the representative of the Fund,⁴⁴ it is mandatory by its internal regulations to conduct planned monitoring visits twice a year by the monitoring unit of the Fund. This unit is mostly composed of lawyers and during the visits they check the physical environment in shelters and centres as well as the overall satisfaction of beneficiaries. As a consequence of these visits, an internal report is drafted and submitted to the director of the Fund. If the report indicates the existence of problems in shelters or centres, it is then up to the director to decide on further actions to address those issues. As long as these reports contain personal data of beneficiaries they are not published or accessible publicly.

In addition to this self-monitoring mechanism, the Public Defender of Georgia, under its mandate, conducts regular and unannounced visits in shelters and as a follow-up, publishes reports. As communicated by the representatives of the Ombudsperson's office,⁴⁵ they usually pay two annual visits in shelters, one regular visit and one follow-up visit to check if identified problems are resolved. They gave an example of one specific occasion, where problematic conditions were found during an unannounced visit and immediately communicated to the State Fund; however, during a follow-up visit the problem was resolved.

Another action of protection block is focused on particular needs of victims who are children or those minors who accompany victims or statutory victims of THB. In 2017–2018, none of the shelters admitted children, therefore, minors did not receive any services from the State Fund. However the State Fund is ready to provide services to minors and especially to minors with disabilities. Since 2017, the State Fund has ensured the adoption of guidelines and special instruments (including different modules required for psychological support and social work) on psychological rehabilitation/support and social work with beneficiaries. This also covered advancement/improvement of personal case forms for beneficiaries in the shelters and crisis centres. Therefore, integration of guidelines in internal regulations and rehabilitation/reintegration plans have been in practice since 2018. In 2019, specific issues of working with children and persons with disabilities have been integrated into the above mentioned guidelines. Moreover, infrastructure of all shelters is adapted and fully accessible for wheelchair users. In 2019, 29 minors were recognised as statutory victims of trafficking, out of which 11 benefited from services from the State Fund and Social Service Agency. As for the rest of the children, Social Service Agency started working with them, however, their legal representatives refused to receive any additional services from the state.

44 Interview with the representative of the Agency of State Care and Assistance of Victims and Statutory Victims of the THB. (18.09.2020).

45 Interview with the Deputy Ombudsperson (04.09.2020).

In 2018, the director of the State Fund issued a special order adopting advanced case management forms and rehabilitation plans for individual beneficiaries. These forms have been actively put into practice in shelters as well as in crisis centers. Administration of shelter/crisis center is obliged to apply an individual approach towards each beneficiary. For each of them, the agency (shelter/crisis center) shall adopt individual case management plan, which prescribes needs of the beneficiary and sets out relevant measures to address those needs. Rehabilitation and reintegration are crucial elements of the protection block, they ensure that victims and statutory victims are not only protected immediately following the incident of trafficking but also that in the future, they do not suffer mentally or physically from traumas of being subjected to trafficking. Integration additionally guarantees that victims and statutory victims get back to normal life, that they are not stigmatised or segregated from society, but in fact, they feel and they are integral part of ordinary society and pursue ordinary lifestyle in the same manner, as they did before becoming subject to THB. ***In light of rehabilitation activities in shelters and effective integration system, which provides track on victims' assimilation into society after they leave the shelter, this specific objective can be deemed to be fully achieved.*** However, state authorities and more specifically the State Fund are advised to continue working on advancement of proper rehabilitation activities for persons admitted into shelters and also on enhancement of follow-up tracking mechanism to check if victims or statutory victims returned back to normal life and became fully pledged member of society.

Furthermore, the second specific objective under the prevention block implies granting temporal identification documents to the victims and statutory victims of THB and ensuring their safe and dignified return to their countries of origin or places of permanent residence. The effective system of repatriation is also in place. Legislation provides adequate regulatory and institutional framework on issuance of temporary documents for legal residence. In 2017-18, based on the motion of the Prosecutor's Office Public Service Development Agency (civil registry) issued three special temporary residence permit for three statutory victims of foreign nationalities were issued and in 2019, pursuant to the motion of the State Fund, one special temporary residence permit was issued for one person. In 2017, two statutory victims and one victim were repatriated to their countries of origin with support from IOM, in cooperation with the State Fund, whereas in 2018 and 2019, there was no need for repatriation.

With the effective self-monitoring mechanism and options for external monitoring by the PDO, it can be concluded that the work carried out in shelters operating under the State Fund for Victims and Statutory Victims of THB is duly scrutinised and meets required level of transparency. In addition, proper system of individual case management is developed and well functioning. Furthermore, state authorities provided, wherever necessary, temporary residence permits and ensured safe return of victims and statutory victims to their permanent residences, thus, this specific objective can be considered as fully achieved and ***strategic goal of 'Protection' can be considered as fully achieved in both NAPs.***

3.4. Prosecution

The Prosecution block is focused on proactive investigation and effective identification of alleged crimes of THB. Both NAPs contain two specific objectives under this block: (1) introducing new approaches and methods of proactive investigation and (2) proactively revealing the cases of THB. Indeed, proactive measures play an important role in prosecution efforts and in addition to the preventive actions, contribute to elimination of possible trafficking cases in early stage of commission. This block can be seen as closely linked to partnership and coordination block, since proactive work often (if not always) requires joint cooperation efforts among various government authorities, therefore, most actions under this strategic goal are to be implemented by several stakeholders jointly.

In 2017 and 2019, with the support of IOM, judges, prosecutors and investigators carried out two large-scale meetings (one in 2017 and one in 2019) to discuss the contemporary challenges in investigating and prosecuting trafficking cases. In 2017, this meeting resulted in an elaboration of legislative amendments, which were subsequently adopted by the Parliament of Georgia, while in 2019, the meeting resulted in adopting a set of recommendations for law enforcement agencies on precise classification of THB cases. Even though such meetings contribute to effective proactive identification and promote discussion of completed cases, it would be more beneficial to hold meetings on a regular basis with a technical character. In other words, for the sake of identification of current tendencies and agreeing on modern methods of proactive investigation, it is more desirable that law enforcement agencies gather more frequently and discuss and analyse individual cases from their practice (especially when there are not so many completed cases annually). Such format would allow agencies to be fully up-to-date on new tendencies and how to tackle newly emerged challenges. These meetings would ideally gather personnel working on THB issues since they possess the most updated information and can share among each other. Also, it would be more sustainable to bring together various experts rather than high-level officials. These information-sharing meetings would then pave way for expanded and conference-like forums (similar to the two large-scale meetings mentioned above) where all involved stakeholders would have an opportunity to network, discuss findings, and take steps to adoption of recommendations or resolutions or plan further actions.

Another important dimension of introducing approaches and methods of proactive investigation is adoption, replenishment, updating and effective application of standard operating procedures (SOP) and guidelines for various law-enforcement bodies. In 2015, the Ministry of Internal Affairs approved the SOPs for investigators, operative workers and monitoring mobile units. These SOPs constitute standard guidance for law enforcement agencies to uncover and identify alleged cases of THB. Law enforcement bodies regularly apply these standard instructions to their everyday activities. Investigators, operative workers and members of mobile units recurrently use these instructions when checking various high-risk places and interviewing persons who could possibly be subject to trafficking. Such places include international air-

ports, border check-points, places of prostitution located mainly in Adjara region of Georgia. In 2017–19, more than two hundred places were checked, and thousands of people were interviewed and equipped with necessary information about the risks of trafficking.

Furthermore, in 2018, as a consequence of fundamental reform and restructuring of the Ministry of Internal Affairs, a special Human Rights Protection Department was established, which ensures monitoring of quality of investigations and proceedings of administrative violations under the competence of this department and identification of gaps during the investigation process. This newly created unit, *inter alia*, supervises and monitors investigation of cases of THB on a regular basis and observes whether the SOPs or other guiding instructions are properly put into practice and in case of misconduct or error by investigator, this department is authorised to intervene, report to the supervisor of the investigator, issue recommendations and plan capacity building activities to eliminate such errors in future.

Additionally, in 2017, the Council, with support from IOM and the US Embassy in Georgia, organised a working meeting to update the existing guidelines for law enforcement agencies on investigation and prosecution of the crime of THB and special treatment of the victims of THB. These guidelines were adopted in 2014 and hadn't been amended since. The changes introduced in 2017 intended to bring the guidelines in compliance with current international and European standards. Alterations were in line with the Palermo Protocol, UNODC Model Law against THB, Council of Europe Framework Convention on Fight against THB and the case law of the European Court of Human Rights. Later that year, the Council formally adopted these updated guiding principles along with the newly elaborated guidelines for identification of victims of THB for the staff of border check-points. The aim of the latter guideline was to ensure that officers who check incoming and outgoing passengers are properly educated and well-aware of how to detect possible victims of THB and to effectively reveal all such potential cases and refer alleged victims of THB to the national referral mechanism.

According to the information provided by the Ministry of Internal Affairs, as a result of large-scale capacity building activities, information available at border check-points and official guidelines, there has been an increased rate of identification of potential victims of THB at Georgia's international borders, which can be considered effective; However, representatives of IOM still expressed concerns over the effective identification of potential victims at border check-points. Notwithstanding the enhanced capacity and trained skills of border control officers, which is a result of joint efforts of governmental authorities and international partners, IOM noted that border control officers are instructed to ensure rapid transit of incoming and outgoing passengers, not to ask too many questions and not to cause large queues. Therefore, identification of potential victims of THB can not be considered as fully effective.

Moreover, state institutions also enhanced their efforts in empowering coordinators of statutory victims and witnesses. These coordinators are hired by the Office of the Prosecutor General of Georgia and they provide mostly psychological support to statutory victims and witnesses from

the very initial phase of investigation up to completion of the case in the court proceedings. The year 2018 marked significant improvement in this regard. Special legislative amendments were introduced to the Criminal Procedural Code of Georgia, acknowledging the official status of coordinators, which they lacked before 2018. In the same year, guidelines were adopted for their effective functioning, which, *inter alia*, also included section on how to work with statutory victims and witnesses of the crime of THB. For supporting persons involved in the investigation proceedings, a special service for coordinators has been established at the Ministry of Internal Affairs as well.

Functions of the coordinator are as follows: psycho-emotional support of witness/statutory victim, prevention of secondary victimisation, providing them with adequate information throughout the investigation, offering state services, enhancing effective communication between citizens and law enforcement bodies. Working with statutory victims and witnesses of the crime of THB is in priority of those coordinators.

The 2019–2020 NAP includes additional action of adoption of guidelines for the labour inspection unit. This process was underway in 2019 and thus, was not fully implemented.

Overall, despite certain shortcomings in joint discussion and systematic analysis of completed cases, the SOPs, guidelines and other instructions are effectively put into practice by law enforcement bodies. These documents are adopted, updated and amended upon necessity, which gives more flexibility to their practical implementation; ***Thus, the first specific objective of the prosecution block can be considered as fully achieved in the 2017–18 NAP and mostly achieved in the 2019–20 NAP.***

The second specific objective under the strategic goal of prosecution is proactive exposure of THB cases. Actions under this specific objective are focused on increasing the quantity and capacity of units responsible for proactive identification of THB cases, such as monitoring mobile groups and a special task force; also enhancing cooperation and coordination between the Ministry of Internal Affairs and the labour Inspection in the field of labor exploitation and forced labour; regular checks of legal entities and high risk facilities (such as places of prostitution) to uncover possible cases of THB and systematic collection of segregated statistical data to provide an overall picture of prosecution records.

Mobile groups, operating under the Central Criminal Police Department of the Ministry of Internal Affairs, regularly monitor and check places where alleged cases of trafficking may take place. In 2017–2018, four such groups were operating and checked more than one hundred places and interviewed hundreds of persons. In 2019, the number of mobile groups increased to six.

The number of places that were monitored have increased, triggering even more discoveries of alleged cases of THB occurring on premises of legal persons. It should be noted that even if a monitoring visit does not unveil suspicious activity, members of the mobile groups still carry out interviews with the employer and employees alike to inform them about possible risks of traf-

ficking and available means and mechanisms on how to avoid it. Additionally, mobile groups also check and monitor those service companies that provide employment opportunities for Georgian citizens abroad. Transport companies at international bus stations are also regularly monitored in order to prevent smuggling or deception in transporting potential victims of THB. Mobile groups also interview deported Georgian citizens who arrive via international airports or land border checkpoints of Georgia. Representative of the Ministry of Internal Affairs explained that the testimony of alleged victims of trafficking is not an absolute pre-requisite to launch an investigation and, in fact, the MIA often initiates investigations without having testimony evidence from alleged victims of THB.

With regard to challenges in effective communication between the LEPL Labour Inspection Service and the Ministry of Internal Affairs, it should be noted that representatives of these two agencies have regular contact through working meetings, trainings or other activities. In order to strengthen communication and provide a regulatory framework for this communication, preparation and adoption of Memorandum of Cooperation has been initiated (by the time of drafting this report, the MoC was ready for signature), which envisages establishment of special monitoring groups with labour inspectors and representatives from the central criminal police department. These groups are meant to inspect high-risk areas for possible trafficking cases. Notably, such cooperation has already been put in practice in 2020, when representatives of the Ministry of Internal Affairs and the labour inspectors jointly monitored places for compliance with Covid-19 regulations or other obligations. As a consequence of the joint coordination activities, the Labour Inspection identified signs of alleged labour exploitation in two organisations; this information was sent to the Ministry of Internal Affairs for further action.

On 29 September 2020, the Parliament of Georgia adopted the Law of Georgia on Labour Inspection, for creation of LEPL Labour Inspection Service, established on 1 January, 2021. It should be underlined that this transformation resulted in a wider mandate of labour inspection in terms of monitoring labour rights at work places. The Labour Inspection Service has been assigned the duty to oversee labour conditions, such as: payment of overtime work, leave, discrimination in workplaces and others. This wider mandate allows better opportunity for the labour inspection to prevent and to reveal alleged cases of forced labour and labour exploitation. In addition, the Statute of the Labour Inspection Service was adopted, for establishing a special division on forced labour and labour exploitation under the Labour Rights Monitoring Department. This division has three staffers – one is the head of division and two are labour inspectors.

Furthermore, in 2020, 120 places were inspected in the regions of Samtskhe-Javakheti, Kvemo Kartli, Shida Kartli, Adjara and Kakheti for the purpose to prevent and to react on possible cases of forced labour and labour exploitation. Inspections carried out for monitoring compliance with Covid-19 regulations also had a specific focus on forced labour. In total, several thousand of such inspections have been carried out. With the support from IOM, preparation of a special document is underway, which will provide methodology for sampling of companies to be inspected and updated checklists.

Based on the above mentioned information provided by the Labour Inspection Service, appropriate human resources are currently being mobilised and there is readiness and partnership among the relevant agencies for further enhancement of modes of cooperation to effectively achieve joint objectives.

The Ministry of Justice regularly publishes and updates segregated statistical data on ongoing and completed THB cases. These charts are available online for the wider public. Moreover, in 2019, special electronic system of registered criminal cases was launched by the MIA. Currently this system is undergoing test runs and once proven successful, will be available online.

Despite the available statistical data, representatives of IOM mentioned⁴⁶ that full and thorough information can't be derived from these statistics, and that it only provides figures. They explained that the charts, in fact, do not allow third party to track progress of each particular case from the initiation of investigation up to the completion in the court proceedings. IOM representatives also indicated that it would be desirable for this statistical data to be available in English as well, so other international partners can easily access the information without needing translation.

In conclusion, the second specific objective can be assessed as fully implemented in both NAPs but it is noted that many activities, which ensure proper functioning of labour inspection system have been initiated and are ongoing and therefore, it is important to ensure continuation of this process. Hence, the strategic goal of prosecution could be evaluated as fully implemented in the 2017-18 and the 2019-20 NAPs.

3.5. Capacity Building

Enhancing capacity and improving skills of persons and institutions involved in the fight against trafficking constitute important pillars of both NAPs. Subsequently specific section is dedicated for this strategic goal in each NAP. This goal is further enshrined in specific objectives, which are focused on training and other types of capacity building activities for various groups of stakeholders. Each specific objective is related to one such group and some of these groups are also additionally divided into several subgroups. Namely, both NAPs provide trainings for:

- (1) law enforcement bodies;
- (2) judiciary;
- (3) staff of the State Fund for Victims of THB;
- (4) staff of the Labour Inspection Unit;
- (5) consular officials;
- (6) media representatives;
- (7) staff of the Legal Aid Service;

46 Interview with the representatives of IOM (11.09.2020).

- (8) staff of Public Service halls and community centres across the country;
- (9) medical service providers;
- (10) staff of the Revenue Service;
- (11) persons working specifically on homeless children issues.

In addition, 2019–2020 NAP also envisages two more groups:

- (1) military personnel of Georgian military missions abroad; and
- (2) persons working specifically on forced labour and exploitation issues.

Moreover, the first group is further divided into six subgroups in both NAPs:

- (a) prosecutors and intern-prosecutors;
- (b) coordinators of (statutory) victims and witnesses;
- (c) staff working on border check-points;
- (d) investigators, district inspectors and patrol police;
- (e) members of the special task force; and
- (f) representatives of the Migration Department of the Ministry of Internal Affairs.

Governmental authorities with their own resources or with support from international or national donor organisations have reached remarkable achievement in conducting trainings or other kinds of capacity building activities for all the groups and subgroups listed above. It should be noted that capacity building is an ongoing task for state institutions, therefore, trainings have been provided during the entire reporting period (2017–2019) and are also planned to continue in future.

State institutions reported remarkable progress in implementing obligations under the capacity building block during the reporting period. In particular, progress reports⁴⁷ submitted by the Council clearly demonstrate that capacity building activities are the top priority of law enforcement as well as other agencies represented in the Council. Hundreds of persons were trained via trainings, study visits, regularly scheduled courses or capacity-building meetings. More specifically:

- In 2017–2018, 33 training courses and three study visits took place where 250 prosecutors and intern prosecutors were trained, while in 2019, five training courses and three study visits were carried out and were attended by 65 participants.
- In 2017–2018, four teaching courses were held for more than 20 coordinators for victims and statutory victims. In 2019, two additional courses took place with 11 coordinators.
- In 2017–2018, more than 50 border check-point staff took part in three training courses/working meetings and one study visit. In 2019, 30 border police officers participated in one training course.

47 See Progress Reports, *supra*, n.35.

- In 2017–2018, dozens of persons from the MIA staff participated in 24 capacity building activities, including seven study/working visits abroad. In 2019, hundreds of MIA personnel participated in 11 training activities and teaching courses, including two study visits.
- In 2017–2019, three persons from the Migration Department under the MIA participated in two different training activities related to THB issues.
- In 2017–2019, with the support from the Council of Europe, 26 judges of common courts and 45 court clerks attended six trainings.
- In 2017–2018, more than one hundred persons from the State Fund for Victims of THB took part in 18 trainings on various topics closely related to THB. In 2019, four trainings took place with approximately 50 participants.
- In 2017–2019, 67 labour inspectors took part in four training activities. During the interview, a representative of the Labour Inspection mentioned that building capacity of their staff specifically on THB issues is a huge challenge and more trainings and other types of study activities are needed. Currently, they are forming a special group of inspectors, who will be designated to deal with alleged THB cases and the Labor Inspection plans to empower and equip this group (five persons) with all necessary skills and qualifications required to effectively reveal potential cases of THB in work places.
- During the reporting period 2017–2019, more than one hundred consular staff participated in four trainings/working group.
- In 2017–2018, approximately 50 media representatives took part in three training activities.
- In 2017–2018, 30 Legal Aid Service staff members participated in the training on THB issues organised with the support of ICMPD.
- ICMPD also supported training the personnel of Public Service Halls and Community Centres in 2018 with 15 participants in total.
- Furthermore, 15 participants attended one training for customs officers in 2018.
- Additionally, 2019 marked the first time ever when approximately 500 military personnel from the Georgian Armed Forces (due to serve in international peacekeeping missions) were trained specifically on THB related issues.
- Moreover, two trainings were held with a particular emphasis on forced labour and labour exploitation in 2019. Total number of participants exceeded 50.

It is clear that trainings and other capacity building activities are continuously organised within all state institutions represented in the Council. Topics are also diverse but all are focused on THB-related issues, related to the functions of that particular state institution which hosts the training. It is also clear that most of the trainings are financially supported by donor organisations and the state budget does not provide adequate funding for these activities. Nevertheless, ***the scale of trainings, covered topics, number of participants and the sustainability of trainings described above clearly demonstrate that all specific objectives under the fifth block are fully achieved in both NAPs and the strategic goal to build capacity of state institutions – involved in fight against THB – can be considered as fully implemented.***

In addition, IOM also indicated that for the sake of sustainability and continuity of capacity building activities, it is advisable that training activities be more institutionalised. Currently, governmental authorities mostly rely on support from international or local donor organisations in order to sufficiently train their staff specifically on THB matters, but in the future, it is advised that training/teaching centres of each state institution represented in the Council to introduce basic modules on THB topics in their curricula to ensure that those staff members who are in charge of fighting THB throughout the country, are well trained. Although this would require additional financial and human resources for the Police Academy, Training Centre of Justice, Training Center of Prosecutor's Office, High School of Justice and other training institutions, only such systems would ensure the sustainability of training activities overtime.

Moreover, representatives of ICMPD mentioned that qualitative indicators sometimes complicate the situation if there are no means of verification at place, therefore, preference should be given to the quantitative indicators with a possibility to make a comparison between years in order to measure progress based on analytical data. Additionally, ICMPD also suggested that capacity-building activities could be easily dispersed into other blocks and there is no need to have separate strategic goals in the NAP; however, this is related more to the organisational aspects of the NAP. The point here is that activities under the fifth block should certainly remain in the NAP, but could be attached to other blocks instead of forming an autonomous goal.

3.6. Cooperation and Coordination (Partnership)

The fourth "P" principle is partnership, and it is included in both NAPs under the sixth strategic goal – cooperation and coordination. Furthermore, this goal is broken down into specific objectives and concrete actions. Notably, both NAPs have completely identical objectives and actions under the block six, which indicates the continuous nature of the work for partnership purposes. Partnerships enhance efforts by bringing together diverse experiences, amplifying messages, and leveraging resources, thereby, accomplishing more together than any one entity or sector alone. That is exactly how partnership is understood under both NAPs. Relevant provisions of NAPs provide avenues for cooperation between governmental authorities,

non-governmental organisations, international organisations, foreign partners, etc. In total, four specific objectives are provided under the sixth strategic goal, namely:

- (i) collection of information by state institutions on the progress of implementation of NAP;
- (ii) deepening cooperation with non-governmental organisations;
- (iii) deepening international cooperation in fighting against THB; and
- (iv) drafting and adopting new NAP for the next two years.

With regard to the first objective, it is already a well-established practice within the Council that updates related to the implementation of NAP are regularly shared with all stakeholders via various modes. First and foremost is the progress report, which is released twice per NAP: (a) an interim report after the first year following the adoption of the NAP and (b) final progress report after the conclusion of the NAP. These progress reports are comprehensive and in-depth description of all measures taken in relation to every action provided in the NAP. Notably, progress reports do not specify whether a particular action has been fulfilled or whether specific objective or strategic goal has been fully or partially achieved. They merely provide all the information and data on the achievements of the state authorities with regard to fighting THB. These reports are informative and descriptive, providing complete and inclusive information on all steps taken by the authorities. These documents are later used as a point of reference by a number of external actors. They follow the structure of the NAP and are reader-friendly in terms of tracking progress for a particular strategic goal, specific objective or concrete action. Progress reports are usually a compilation of facts and figures submitted by the state authorities. The Secretariat of the Council coordinates the merging of data and release of unified reports, which are later published online.

Additionally, the Secretariat of the Council coordinated the submission of six *ad hoc* reports in 2017 and two in 2019 to various international organisations related to the steps undertaken by the GoG in the area of combating THB.⁴⁸ Furthermore, the Secretariat of the Council also coordinates and supervises regular collection of statistical data from the Ministry of Internal Affairs, the Office of the Prosecutor General and the State Fund for Victims of THB. This data includes the number of investigated cases, court cases, prosecution and protection of victims. Statistics are later integrated into a centralised registry, de-personalised and published online. By the time of drafting of this report, this centralised register consisted of data from 2010 to 2020.⁴⁹ Given the fact that all progress reports, as well as the additional *ad hoc* reports for various external stakeholders which were due in 2017, 2018 and 2019 were prepared and published in a timely manner, as well as the publication of statistical data from 2019, ***there can be no doubt that this specific objective under the sixth strategic goal is fully implemented in both NAPs.***

48 *ad hoc* reports were submitted to the US Embassy in Georgia, GRETA, UN Special Rapporteur and the UNODC.

49 <https://justice.gov.ge/Ministry/Index/357>.

The second objective under block six of the NAP is related to establishing deeper relationships and strengthening cooperation with civil society organisations. Perhaps the crowning manifestation of this cooperation is the grants programme, run annually by the MoJ, aiming at empowering and engaging NGOs working on THB issues. Every year, NGOs are selected to carry out projects under the MoJ priority areas related to THB; funding for these projects is allocated from state budget. Moreover, multiple joint activities were held in cooperation with NGOs both in 2017–2018 and in 2019, levelling up partnership between state authorities and non-governmental actors. In 2017–2018, the State Fund for the Protection of Victims of THB renewed the Memorandum of Cooperation with five NGOs and one international organisation (IOM), whereas 2019 was marked with a renewal of five Memorandums of Cooperation by the State Fund with the same NGOs.

In 2016, the Council decided to create a civil society platform under the auspices of the Council itself. Special working group was established in charge of instigating consultations and preparing relevant amendments to the statute of the Council in order to reflect the establishment of such civil society platform. During the 2017–2018 reporting period specific amendments were prepared as well as several discussions were initiated. During the 2019 reporting period, this consultation process continued, however, concrete results have not yet been reported. This second objective under block six is a clear example of how governmental and non-governmental actors can join their forces for greater good and state institutions as well as NGOs represented in the Council proved that close cooperation and partnership brings effective results in combating THB. Level of engagement among the Council members and civil society organisations, the diversity of joint initiatives and successful completion of mutual projects ***are clear indication that this specific objective is fully achieved both in 2017–2018 and 2019–2020 NAPs.***

Georgia has also advanced its international cooperation in terms of combating THB, both on a bilateral and multilateral level with foreign countries as well as with international organisations. The year 2017 was significant for Georgian authorities as the country became an official operational partner state of EUROPOL,⁵⁰ after the agreement between Georgia and EUROPOL entered into force. Apart from this, a total of seven international agreements were concluded between Georgia and foreign governments in 2017–2018 in the sphere of joint cooperation in law enforcement and five international agreements in the sphere of transnational crime prevention in 2019. Moreover, Georgian authorities participated (either hosting in Georgia or visiting abroad) in nine international high-level governmental meetings in 2017–2018 and six in 2019.⁵¹ These meetings were mostly aimed at sharing experience and information, studying best practices, presenting achievements and lobbying for national interests of Georgia in relation to protection of Georgian national victims of THB abroad. In absence of exact number of

50 EUROPOL is the European Union's law enforcement agency. EUROPOL supports the 27 EU Member States in their fight against terrorism, cybercrime and other serious and organised forms of crime. They also work with many non-EU partner states and international organisations. They have agreements on operational partnership with few non-EU countries, including Georgia. See the full list: <https://www.europol.europa.eu/partners-agreements/operational-agreements>.

51 See Progress reports, supra, n.35.

international agreements and various meetings, as indicators for measuring implementation of this particular objective, it can be concluded that an impressive number of international agreements annually as well as active engagement in different international forums from Georgian authorities suggest **that the third specific objective under the partnership block is fully achieved both in 2017-2018 and in 2019-2020 NAPs.**

The last objective under this block is preparation for the next NAP. The fact that 2019-2020 NAP was adopted in December 2018 (before the conclusion of the current NAP) **already indicates that this objective was fully achieved in 2017-2018 NAP.** At the time this report being written, preparatory works for drafting the 2021-2022 NAP was underway, however, the draft document was not circulated among the Council members yet, **which makes this objective partially implemented in 2019-2020 NAP.**⁵²

Overall, four specific objectives under the partnership block were fully achieved in 2017-2018, meaning that the strategic goal was fully implemented, whereas the 2019 segment of the 2019-2020 NAP lacks full accomplishment of only one specific objective, which renders block six the status of “mostly implemented” in 2019-2020 NAP.

Despite these achievements, a number external actors (representatives of the PDO and IOM) raised concerns over infrequent meetings of the Council and disclosure of information. Representative of the PDO noted that the Council meetings were more active in previous years, with productive discussions and engaging communication and were held more frequently, but now, these meetings became more formal, leaving no room for discussions and challenging pre-determined decisions. IOM representatives also mentioned that interim progress reports are not shared with external actors, which makes it complicated to be up-to-date on the situation of combating THB country-wide. Other stakeholders (such as ICMPD and NGO Anti-Violence Network of Georgia) indicated that the level of coordination and information sharing between the Council and external stakeholders can be considered satisfactory, but there is always room for improvement. ICMPD representative also suggested that it may be useful to establish a special platform where civil society organisations would be included for annual meetings in order to receive updates from the Council. NGO Anti-Violence Network of Georgia mentioned that even though they are satisfied with NGO participation in ordinary and *ad hoc* meetings of the Council there could still be a possibility for closer coordination.

52 The NAP for 2021-2022 on Combatting Trafficking in Human Beings was adopted by the Anti-Trafficking Inter-Agency Council on 2 December, 2020.

4. Conclusions

Based on the evaluation of implementation of actions under the 2017–2018 NAP, it has been found that:

- Only one out of twenty-two specific objectives has not been implemented, while twenty specific objectives have been fully implemented, one is still ongoing;
- All strategic goals have been implemented to a certain degree – five out of six strategic goals have been fully implemented, while one has been partially implemented.

Based on the evaluation of implementation of actions under 2019–2020 NAP (as of 2019), it has been found that:

- Only four out of twenty-four specific objectives have not been implemented, while seventeen have been fully implemented, one – mostly implemented and two were still ongoing by the time of evaluation;
- All strategic goals have been implemented to a certain degree – five out of six strategic goals have been fully implemented, while one strategic goal was partially implemented and actions were ongoing by the time of evaluation.⁵³

53 For more details, please see the table in Annex 2.



5. Recommendations

Recommendation 1:

The Council members should envisage more precise indicators in future NAPs in order to better measure the progress of implementation of the NAPs.

Recommendation 2:

The Council members should consider to endorse precise methodology that would be the basis for the development of state policy for combating THB and should adopt a clear vision on the specific objectives under this block.

Recommendation 3:

Governmental authorities as well as international organisations and other external actors represented in the Council should join forces to strengthen collaboration and support the Labour Inspection Service to build the capacities of inspectors, specifically designated to uncover potential THB cases at workplaces.

Recommendation 4:

The Council should consider the possibility to find alternative financial sources for outsourcing services needed for the research components in the NAP, or limit the research activities only to the grants programme run by the MoJ, which also provides an opportunity for outsourcing their research activities.

Recommendation 5:

The Council should attentively be involved in the process of licensing new textbooks to ensure that civil education courses contain sufficient timeframe and modules for teaching THB to students at elementary and secondary schooling levels.

Recommendation 6:

The Council should start direct communication with higher educational institutions with the aim to promote teaching specific THB courses on different levels of universities.

Recommendation 7:

Georgian state authorities should jointly coordinate to advance the mechanism for inclusion of homeless children in formal education by effectively identifying homeless children, preparing them for schooling and also tracking their performance once they are admitted to school.

Recommendation 8:

The MES should initiate large-scale awareness raising campaigns among teachers, parents and school children to increase acceptance of homeless children who live and/or work in streets.

Recommendation 9:

It is recommended that Georgian authorities continue to conduct various awareness raising activities as a means for effective prevention of THB.

Recommendation 10:

State Fund for Victims and Statutory Victims of THB should advance its work towards ensuring that 2018 Order of its director is effectively put in practice and effective rehabilitation and re-integration mechanisms for victims and statutory victims of THB are in place.

Recommendation 11:

Law enforcement agencies should continue regular expert-level information sharing meetings to discuss individual completed cases in order to identify contemporary challenges and tendencies in identification of possible THB cases. Findings of such meetings would then be presented to the more expanded forum, which will be held infrequently and will adopt roadmaps for further actions.

Recommendation 12:

Law enforcement bodies should activate joint cooperation mechanism to ensure that Ministry of Internal Affairs and the Labour Inspection have regular and effective communication channels and that the MIA is actively involved in facilitating inspections of suspicious working places via joint mobile groups or other forms of cooperation.

Recommendation 13:

Ministry of Labour, Health and Social Care should ensure that labour inspectors are fully informed and well trained on uncovering possible cases of labour exploitation, by providing them with screening questionnaires, guiding principles or other instructions, which ensure that labour inspectors are capable to independently examine working places and identify latent facts of labour trafficking.

Recommendation 14:

Evaluation of capacity building activities should be carried out based on clearly pre-defined indicators, which would incorporate quantitative and qualitative elements to measure work in progress.

Recommendation 15:

Although existing formats of cooperation between the Council members and international and civil society organisations seems to be satisfactory, it is nevertheless useful that the Council consider creation of new format of cooperation and communication with NGOs to ensure that information and progress made by the state authorities are spread regularly and smoothly and transparently, also to ensure that initiatives from civil society organisations are heard and discussed.



Annex 1

List of Interview Respondents

Ketevan SARAJISHVILI | Head of Public International Law Department, Ministry of Justice of Georgia

Ana IVANISHVILI | Senior Specialist of the Public International Law Department, Ministry of Justice of Georgia

Salome SHENGELIA | Head of Human Rights Protection Division, Office of the Prosecutor General of Georgia

Tamar MTCHEDLISHVILI | Inspector for Specially Important Cases at the Human Rights and Investigation Quality Enhancement Department, Ministry of Interior of Georgia

Nia PONIA | Second Secretary of the Consular Department at the Ministry of Foreign Affairs of Georgia

Irakli CHKONIA | Chief Specialist of the Legal Division of the State Fund for Victims of Trafficking

Levan ABASHIDZE | Head of Monitoring and Supervision Division at the Labour Inspection Department of the Ministry of IDPs from Occupied Territories, Labour, Health and Social Care of Georgia

Ekaterine LEZHAVA | Deputy Head of the Pre-school and Secondary Education Department, Ministry of Education, Science, Culture and Sports of Georgia

Tamar MERABISHVILI | Specialist of the Higher Education Department, Ministry of Culture, Education, Science and Sports of Georgia

Ekaterine SKHILADZE | Deputy Ombudsperson of Georgia

Mark HULST Hendrik | Program Coordinator, International Organization for Migration

Anna KAKUSHADZE | International Organization for Migration

Mariam TOKMAZISHVILI | International Organization for Migration

Zurab KORGANASHVILI | Head of Office in Georgia, International Centre for Migration Policy Development

Nato SHAVLAKADZE | Chairperson of the NGO Anti-Violence Network of Georgia

Manana PURTSKHVANIDZE | Lawyer at the NGO Anti-Violence Network of Georgia



Annex 2

Status of Implementation of NAPs of 2017–2018 and 2019–2020

NAP 2017–2018			NAP 2019–2020 (As of 2019)		
#	Strategic Goal	Specific Objectives	State of Implementation	Specific Objectives	State of Implementation
1	Policy Development	1. Conducting studies on THB topics	Fully implemented	1. Enhancement of mechanisms for combating THB	Mostly implemented
2	Prevention	1. Awareness raising	Fully implemented	1. Awareness raising	Fully implemented
		2. Identification of homeless children and provision of information on crime of THB	Ongoing	2. Identification of homeless children and provision of information on crime of THB	Ongoing
3	Protection	1. Effective management of shelters of victims and statutory victims of the THB	Fully implemented	1. Effective management of shelters of victims and statutory victims of the THB	Fully implemented
		2. Safe return of victims and statutory victims of THB to places of their permanent residence and their rehabilitation	Fully implemented	2. Safe return of victims and statutory victims of THB to places of their permanent residence and their rehabilitation	Fully implemented
4	Prosecution	1. introducing new approaches and methods of proactive investigation	Fully implemented	1. introducing new approaches and methods of proactive investigation	Fully implemented
		2. proactive revealing of cases of THB	Fully implemented	2. proactive revealing of cases of THB	Fully implemented
5	Capacity Building	1. Training of law enforcement bodies;	Fully implemented	1. Training of law enforcement bodies;	Fully implemented
		2. Training of judiciary;	Fully implemented	2. Training of judiciary;	Fully implemented
		3. Training of staff of the state fund for victims of THB;	Fully implemented	3. Training of staff of the state fund for victims of THB;	Fully implemented

4. Training of staff of the labour inspection unit;	Fully implemented	4. Training of staff of the labour inspection unit;	Fully implemented
5. Training of consular sections of Georgia's representations abroad;	Fully implemented	5. Training of consular sections of Georgia's representations abroad;	Fully implemented
6. Training of media representatives;	Fully implemented	6. Training of media representatives;	Not implemented
7. Training of staff of legal aid service;	Fully implemented	7. Training of staff of the legal aid service;	Not implemented ⁵⁴
8. Training of staff of public service halls and community centres across the country;	Fully implemented	8. Training of staff of public service halls and community centers across the country;	Fully implemented
9. Training of medical service providers;	Not implemented	9. Training of medical service providers;	Not implemented
10. Training of staff of the revenue service;	Fully implemented	10. Training of staff of the revenue service;	Not implemented ⁵⁵
11. Training of persons working specifically on homeless children issues	Fully implemented	11. Training of persons working specifically on homeless children issues	Fully implemented
		12. Training of military personnel of Georgian military missions abroad	Fully implemented
		13. Training of persons working specifically on forced labour and exploitation issues	Fully implemented

54 The Training for LEPL Legal Aid Service was conducted in December, 2020.

55 The Training for the Staff of Revenue Service was conducted in November, 2020.

6 Cooperation (Partnership)	1. Collection of information by state institutions on the progress of implementation of NAP;	Fully implemented	1. Collection of information by state institutions on the progress of implementation of NAP;	Fully implemented
	2. Deepening cooperation with non-governmental organisations;	Fully implemented	2. Deepening cooperation with non-governmental organisations;	Fully implemented
	3. Deepening international cooperation in fighting against THB;	Fully implemented	3. Deepening international cooperation in fighting against THB;	Fully implemented
	4. Drafting and adopting new NAP for the next two years	Fully implemented	4. Drafting and adopting new NAP for the next two years	Partially implemented ⁵⁶

56 The NAP for 2021–2022 on Combatting Trafficking in Human Beings was adopted by the Anti-Trafficking Inter-Agency Council on 2 December, 2020.

