



# GEORGIA

## **Initial Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography**

*(Committee on the Rights of the Child)*

January, 2016

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# **Initial Report of Georgia on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography**

## **I. Introduction**

1. This is the first report of the Government of Georgia, submitted under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
2. The report contains information on the legislative, judicial, administrative and other measures carried out by Georgia since the accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
3. Georgia has developed an inclusive national reporting process. In order to facilitate the proper implementation of Georgia's obligations under the human rights treaties, a permanent inter-agency working group as the national coordination mechanism was set up in 2014, bringing together high and mid-level officials from the executive, the judicial and the legislative authorities. In parallel, relevant training was organized for the inter-agency working group members, in cooperation with the UNDP and more training are planned in the future.
4. By common efforts of relevant authorities, coordinated by the Ministry of Foreign Affairs of Georgia, this report has been drafted in largely accordance with the Revised Guidelines regarding initial reports to be submitted by states parties.<sup>[1]</sup> The following authorities participated in the process of preparing the report: the Human Rights Secretariat of the Administration of the Government, the Ministry of Justice, the Chief Prosecutor's Office, the Ministry of Labor, Health and Social affairs, the Ministry of Internal Affairs, the Ministry of Education and Science, the State Security Service, LEPL Legal Aid Service, the Parliament of Georgia, the Constitutional Court, the Supreme Court, the National Commission on Georgia's Communications.
5. The report has been presented to the Office of Public Defender, representatives of non-governmental and international organizations. Their comments and suggestions were considered in the course of the finalization of the report.

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<sup>[1]</sup> (CRC/OP/SA/1).

## **II. General Measures of Implementation**

### **A. Legal Status of the Optional Protocol**

6. Georgia acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on 27 September 2002, and it entered into force on 28 July 2005. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Optional Protocol) constitutes international treaty of Georgia. International treaty of Georgia is integral part of Georgian legislation and holds high position in the hierarchy of normative acts of Georgia. Namely, international treaty of Georgia, unless it contradicts to the Constitution of Georgia and the Constitutional Agreement of Georgia, shall have precedence over domestic normative acts. Provisions of officially promulgated international treaties of Georgia that establish concrete rights and obligations and need no adoption of implementing national normative acts shall have direct legal effect.

### **B. Institutional Framework and National Action Plans**

7. In recent years significant measures have been undertaken by Georgia at the policymaking and institutional levels to ensure coordinated state action for the purposes of the effective enjoyment of human rights. Along with the Gender Equality Council chaired by a Vice-Speaker of the Parliament, special posts were also introduced such as the Human Rights Advisor of the President, the Assistant to Prime Minister on Human Rights and Gender Equality Issues, and an Ambassador at Large on Human Rights within the Ministry of Foreign Affairs. Both, the President and the Prime Minister, have appointed Advisors on National Minority issues. The Committee on Human Rights and Civil Integration, as one of the standing committees of the Parliament of Georgia, has broad powers to monitor and evaluate the human rights situation in the country as well as to examine individual petitions from individuals.
8. On 30 April 2014, the Parliament of Georgia adopted the National Strategy on Human Rights for 2014-2020. The main goal of the Strategy is to develop a comprehensive approach to ensure the implementation of the obligations stemming from international human rights instruments in everyday life with a view to building an inter-agency, multi-sector, unified, and consistent policy and, accordingly, to implement good governance. The 13<sup>th</sup> strategic objective of the document focuses on child rights, especially on improving existing protection and assistance mechanisms, devolving social services, reducing child poverty and mortality rates, and guaranteeing the provision of high standards of education.
9. In order to implement the Strategy, after an inclusive and open drafting process, on 9 July 2014, the Government of Georgia adopted Governmental Action Plan on Human rights for 2014-2015. The process included analyzing relevant local and international

reports as well as consultations with the local and international organizations. On 13 June 2016, the Government approved a new action plan for 2016-2017, reflecting new commitments for protecting child rights. Namely, Human Rights Action Plan for 2016-2017 includes chapter on the protection of the child rights: strengthening the system of protection and assistance for children; improvement of services for vulnerable children; eradication of child poverty.

10. An Inter-agency Council chaired by the Prime-Minister was established in order to coordinate and monitor the implementation process of the Action Plan. All of the Ministers are members of the Council and the Public Defender of Georgia as well as non-governmental and international organizations has a voting right within the Council. As an additional guarantee for the effective implementation of the Action Plan, the Human Rights Secretariat, responsible for productive Inter-Agency coordination and close monitoring of the execution of the Action Plan was created in the Administration of the Government, Prime Minister's Office. The Council is accountable to the Parliament by annual reporting.
11. Moreover, in December 2016, in accordance with the recommendations of the Committee of the Rights of the Child, an Interagency Commission responsible for the implementation of the Convention on the Rights of the Child was established by the Georgian Government. The Commission is a coordination mechanism for the effective implementation of the obligations on the issues of child rights among different governmental agencies on the central and local level, as well as between the government and civil society. The Interagency Commission is a deputy ministerial level body and is co-chaired by the head of the Human Rights Secretariat of the Administration of the Government of Georgia and the Deputy Minister of Foreign Affairs. The Commission engages the Judiciary, Parliament, the Ombudsman's Office, NGOs and the United Nations Children's Fund's representatives. The Commission is accountable to the Human Rights Council and submits reports annually.
12. Interagency Council on Combating Trafficking in Human Beings (THB Council) set up in 2006 plays crucial role in carrying out substantial measures and coordinating inter-agency policy to combat trafficking in human beings. The Interagency Council is chaired by the Minister of Justice and composed of the representatives from all the relevant line ministries and agencies (Ministry of Internal Affairs, Chief Prosecutor's Office, Ministry of Foreign Affairs, Ministry of Labor, Health and Social Affairs, Ministry of Economy and Sustainable Development, Ministry of Education and Science, State Ministry on Diaspora Issues, Parliamentary Secretary of the Government of Georgia, LEPL State Fund for the Protection and Assistance of (statutory) Victims of Trafficking and Public Defender's Office). Furthermore, NGOs and international organizations, as well as the representative from the US Embassy to Georgia, are actively involved in the work of the Council. The THB Council is responsible for the development of proposals on the issues of human trafficking, coordination between the governmental agencies working on THB issues and cooperation with NGOs and

international organizations. Moreover, the Council is also responsible for the elaboration and promotion of implementation of the National Action Plan on Combating Human Trafficking, which is focused on five pillars: Prevention, Protection, Prosecution, Capacity building of professionals dealing with THB (Trafficking in Human Beings) issues and Partnership. The 2015-2016 National Action Plan ensures special protective measures for the child victims of human trafficking. The new National Action Plan for 2017-2018 is in the process of elaboration by the Council.

13. Founded in 2006, the State Fund for Protection and Assistance of (Statutory) Victims of Human Trafficking (including minors) ensures better protection and support for the victims of human trafficking. The State Fund for the Protection and Assistance of the TIP victims continues to provide: a) shelters; b) legal aid; c) physiological and medical assistance; d) rehabilitation and reintegration measures to the victims.

### **C. Independent National Human Rights Institution**

14. Independent body responsible for the monitoring of the protection of human rights and fundamental freedoms within the territory of the country is the Public Defender of Georgia who is elected for a term of five years by the Parliament of Georgia.<sup>[1]</sup> The Public Defender acts independently and carries out his/her activities in accordance with the Constitution, international treaties, universally recognized principles and norms of international law.<sup>[2]</sup> The Public Defender independently examines the situations with regard to the protection of human rights and freedoms, and the facts of their violation, based on both - received applications and on his/her own initiative.<sup>[3]</sup> As it was mentioned above, the Public Defender is authorized to monitor the implementation of the anti-discrimination law.
15. When conducting an inspection, the Public Defender, *inter alia*, is entitled to freely enter any state or local self-government body, enterprise, organization, institution, including, military unit, prison and confinement facilities and other places of detention and restriction of liberty; request and receive, immediately or not later than 10 days, from state and local self-government authorities or from officials all documents and materials necessary for conducting an inspection.<sup>[4]</sup>
16. Based on the results of an inspection, the Public Defender, *inter alia*, is entitled, in order to restore violated human rights, to send proposals and recommendations to state and local self-government authorities, public institutions and officials whose actions caused a violation of rights and freedoms guaranteed by the state; request relevant investigating authorities to start an investigation and/or criminal prosecution if, after examining the

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<sup>[1]</sup> Article 43, Constitution of Georgia, (1995).

<sup>[2]</sup> Article 4.1, Organic Law of Georgia on the Public Defender of Georgia, (1996).

<sup>[3]</sup> Article 12, Organic Law of Georgia on the Public Defender of Georgia, (1996).

<sup>[4]</sup> Article 18, Organic Law of Georgia on the Public Defender of Georgia, (1996).

case, he/she comes to the conclusion that there are elements of crime in the case; make proposals to relevant bodies on disciplinary or administrative liability of persons whose actions violated the human rights and freedoms; act as a friend of the court (*amicus curiae*) in common courts and the Constitutional Court of Georgia; inform the mass-media about the results of inspections related to violations of human rights and freedoms; apply to the President of Georgia and to the Prime-Minister of Georgia, if considers that the means of response at his/her disposal are not sufficient.<sup>[5]</sup> The Public Defender submits to the Parliament of Georgia an annual report on the situation of human rights and freedoms in the country.<sup>[6]</sup>

17. Based on the principles of the Convention on the Rights of the Child, the Center for Child's Rights has been established under the Public Defender's Office. The Center aims at supervising protection of child's rights and freedoms and promoting implementation of their rights.
18. Objectives of the Center are: to monitor implementation of the UN Convention on the Rights of the Child as well as the national and international acts on child's rights; to monitor children's institutions and prepare relevant reports; to detect and survey certain cases of violation of child's rights as well as to respond to them; to consider citizens' applications and complaints on alleged violation of the child's rights; to prepare recommendations and proposals for the legislative and administrative bodies; to carry out educational activities for promotion of child's fundamental rights and freedoms and raising public awareness in this field.
19. Any person, including juveniles, may apply to the Public Defender's Office. Applications will be accepted by the Department for Reception of Citizens of the Public Defender's Office. The service rendered by the Center is free of charge.
20. It should be noted that the budget of the Public Defender's Office increased by EUR 620 000 which is 68% higher than in 2014. In 2015 the budget allocation for the Public Defender's Office reached 4.000.000 (Four million) GEL and in 2016 budgetary allocations amounted to 4.500.000 (increased by 12.5 %). According to regulations of the Office of the Public Defender of Georgia (PDO), the Office of the PDO is responsible for budget and financial planning as well as organization of the policy of human resources.

#### **D. Equality and Non-discrimination**

21. Protection and promotion of human rights and freedoms are guaranteed by the Constitution of Georgia. According to the Constitution everyone is free by birth and equal before law irrespective of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, and place of

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<sup>[5]</sup> Article 21, Organic Law of Georgia on the Public Defender of Georgia, (1996).

<sup>[6]</sup> Article 22, Organic Law of Georgia on the Public Defender of Georgia, (1996).



residence. Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. The Constitution also plainly affirms that - Mothers' and children's rights are protected by the law.

22. One of the most recent and important developments in the legislation of Georgia is the adoption of the comprehensive anti-discrimination law on May 2, 2014 by the Parliament of Georgia. The purpose of the law shall be elimination of all forms of discrimination and to ensure for every person, including minors equal enjoyment of rights prescribed by law irrespective of race, color, language, national, ethnic or social belonging, sex, sexual orientation or gender identity, marital or health status, disability, age, nationality, origin, place of birth, place of residence, social status, religion or belief, political or any other ground. Any form of discrimination, be it direct, indirect or multiple, are to be prohibited. It also prohibits discrimination in both the public and private sector and imposes responsibilities not only on public institutions, but also on any legal entities and individuals. As it was mentioned, the elimination of discrimination and ensuring of equality must be monitored and controlled by an independent body – the Public Defender of Georgia. For the monitoring of the implementation of the law, the Public Defender's Office created an Equality Department. In order to ensure effective fulfillment of the new tasks assigned by the law, the budget for the Public Defender's Office has already been considerably increased.

#### **E. Dissemination and Training**

23. The employees of the Prosecutor's Office are actively involved in studies concerning child trafficking and child pornography issues. In 2014, in total 26 employees of the Prosecutor's Office were trained on Child trafficking and Pornography issues. Activities were organized by the US Embassy in Georgia and International Organization for Migration.
24. In 2015, 26 employees took part in learning activities on the aforementioned issues. The events were organized by the EU. 1 study visit was conducted on trafficking with participation of 6 employees of the Prosecutor's Office. In 2016, 36 employees were trained with support of the US Embassy in Georgia on trafficking-related issues.
25. Fight against trafficking in persons is one of the topics in the curriculum of the Police Academy at the Ministry of Internal Affairs of Georgia. During the basic training, prospective policemen acquire skills for victim identification, conduct of interviews or other procedural actions in the view of psychological sensitivities of trafficking victims as well as local and international legal instruments on combating trafficking. Along with this, the staff of law enforcement agencies regularly participates in different trainings organized under the auspices of various international and local non-

governmental organizations. The lectures and training materials are also available at the website of the Academy.

26. Division for fight against cybercrime in the Central Police Department has a capacity to investigate the cases related to child pornography. The division operates in 24 hour regime and its employees constantly undergo retraining programs.
27. Since 2015, on 18 November, in order to mark the European day of fight against sexual violence and sexual exploitation of children (Lanzarote Convention), the Ministry of Internal Affairs holds the interactive meeting with children of 12-15 ages. The aim of these meeting is to raise awareness of children regarding the legal and social consequences of sexual violence, including providing information on mechanisms against sexual violence, cyber security and cybercrime risks and protection ways, available services and hot line.
28. The Ministry of internal Affairs closely cooperates with the non-governmental and international organizations in implementation of the joint projects on TIP issues. As a result of such cooperation with International Organization on Migration (IOM), several trainings, study visits and seminars have been conducted for Georgian law enforcers. The trainings with the involvement of the international experts are focused on the sharing of the best practice of foreign countries on combating TIP and also on acknowledgment of the new trends of the crime.
29. To strengthen the knowledge and qualification of the law enforcers in the spare of TIP, special guideline and Special Operative Procedures have been elaborated and adopted.
30. The special measures are prescribed in the Special Operative Procedures of proactive investigation to be undertaken by the investigators and police officers while interviewing possible minor THB victim. They are recommended to take into account the specific conditions relevant for identification of child victims. The document was assessed by the US expert, also expertise was provided by the International Organization for Migration. The expert provided valuable comments and recommendation to the documents in order to guarantee its compliance with international best practices. The major part of recommendation was incorporated and the final draft was approved by the Minister of Internal Affairs of Georgia in 2015.
31. Beside the abovementioned implemented measures, the Ministry of Internal Affairs takes steps to enhance international cooperation in order to proactively collect and evaluate information regarding child sexual abuse and violence. In this regard, in December of 2012, the Government of Georgia signed the declaration on Global Alliance against child sexual abuse online, initiated by EU and supported by the US State Department of Justice.

32. In February 2014, Mutual Agreement was signed between National INTERPOL Bureau and National Center for Missing and Exploited Children (NCMEC). NCMEC is subordinated to the US Congress and constitutes the national resource center and information bank regarding the missing and exploited children. Based on this, internal standards of the Ministry of Internal Affairs of Georgia were adopted, and the Ministry has access to database of sexually exploited children, which are elaborated by the Division of Exploited Children.
33. For the purpose of enhancing efforts for proactive investigation and identification of victims, on February 27, 2014, Memorandum of Understanding was signed between the Ministry of Internal Affairs, the Office of the Chief Prosecutor and the International Organization for Migration on the principles of cooperation in the area of capacity building of the law enforcement agencies in combating THB. On the bases of the Memorandum, Task Force has been established in Adjara region as it was identified as one of the main risk areas for THB. The Task Force, consisting of 12 members – 7 acting investigators and 5 prosecutors, will jointly reveal trafficking incidents primarily focused on the Adjara (high risk area located at the Turkish border).
34. Furthermore, On 30 July 2016, in connection with the World Day against Trafficking in Persons, meeting with Khelvachauri District (Adjara Region) population (approx. 40 persons) was organized by the Prosecutor's Office and the Ministry of Internal Affairs within the framework of Local Council's project. Representatives of the mentioned agencies delivered detailed information on Trafficking issues.

### **III. Human Rights Situation in the Occupied Territories of Georgia**

35. The Government of Georgia has been consistently continuing its policy aimed at ensuring full enjoyment of the rights provided in the Optional Protocol for the entire State population. However, to this end, obstacles of outstanding gravity were imposed on the Georgian government due to Russia's effective control of Abkhazia, Georgia and the Tskhinvali Region/South Ossetia, Georgia since the beginning of the 1990s, when armed conflict in Abkhazia, Georgia and Tskhinvali Region/South Ossetia, Georgia was triggered by the Russian Federation. Due to the armed conflicts of 1992-1993 that erupted in said regions, Georgia lost de facto control over the parts of those regions. Subsequently these territories were occupied by Russia as a result of new wave of armed aggression exercised against Georgia in August 2008.
36. As a result of Russia's illegal actions, the central Government of Georgia, as well as the legitimate authorities of these regions currently in exile, are unable to exercise effective control of the territories to give effect to the provisions of the Optional Protocol. While Georgia fully undertakes its obligation to take all possible measures for implementing the provisions of the Optional Protocol, preventing its possible breaches and terminating its ongoing violations in light of its positive obligations under

international human rights law, at the same time, it contends that the primary responsibility for non-compliance with the provisions of the Convention as well as their violation in these regions rests with the Russian Federation.

37. As a result of military aggression, creeping annexation and occupation policy, well-planned and systematically implemented by the Russian Federation with respect to Georgia, several hundreds of thousands of persons were expelled from their homes to become IDPs and refugees and they have been deprived of their internationally recognized right to a voluntary, safe and dignified return to places of their permanent residence.
38. Russia, as the occupying power that exercises effective control over the occupied regions of Georgia, continues to prevent numerous international as well as humanitarian organizations from entering those territories. It is deplorable that the European Union Monitoring Mission (EUMM) in Georgia is still prevented from carrying out its monitoring mission inside the occupied regions, as provided by its mandate.
39. The occupation line along Abkhazia and the Tskhinvali Regions separates Georgia from its two occupied territories. In the spring of 2011, the Russian occupation forces intensified the process of the installation of barbed wire fences and other artificial obstacles along the occupation lines in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia (placed in 2009). Currently, the total length of artificial barriers along the occupation lines is approximately 100 km. (48 km along the occupation line in Abkhazia, Georgia and 52 km along the occupation line in the Tskhinvali region/South Ossetia, Georgia). Russia continues to place undue restrictions on the local population wishing to cross the occupation line often leading to casualties among those locals, including children and women, seeking urgent medical treatment. People are illegally detained by Russian FSB border guards for so called “illegal border crossings” on a regular basis.
40. The ongoing military occupation results in severe human rights violations in the occupied territories. People, including children, especially those of Georgian ethnicity, have been deprived of most of fundamental rights and freedoms. In this regard, children remain as one of the most vulnerable groups as their rights continue to be systematically abused. The violations include restrictions on freedom of movement; restrictions on education in native language as well as access to education; illegal detentions; and threats to physical security that gravely breach the Convention on the Rights of the Child.
41. In 2016, the situation worsened with regard to the freedom of movement across the occupation lines. From 6 so-called “check-points” operating alongside the occupation line with regard to the region of Abkhazia, two were already closed and the other two are announced to be shut down.

42. The restrictions imposed by the so-called “border guards” of the Russian Federal Security Service directly affect the right of the children to access the health care services in timely and due manner. In 2015, this resulted in the death of 12 year old child who was prevented from crossing the occupation line. The officers of the Russian Federal Security Service also did not allow two children in severe need of medical care to cross the occupation line and access medical institutions. Let me add that one of them suffered from pneumonia, and the other had the third-degree burns.
43. A two-year old infant suffering from an asthma attack was not allowed to be taken to the hospital located on the central Government-controlled territory. The existing restrictions and imposed artificial procedures on the movement also conditioned in 2016 the death of an infant from Sokhumi, who was only several months old that happened due to the hindered access of the ambulance across the occupation line. Unfortunately, the above described situation still prevails.
44. The imposed restrictions also relate to the right of children to receive education in their native language. The restriction of the right to mother tongue based education starts already at pre-school level, as all kindergartens in Gali district of Abkhazia region were transformed into Russian. Since the beginning of the 2015-2016 academic year, the right to education in the native Georgian language is almost fully restricted in Gali schools. In particular, drastic changes were introduced to the curriculum of the remaining 11 Georgian schools there, where 97% of schoolchildren and 91% of employees are ethnic Georgians. In fact, now all subjects in these schools are taught to the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> graders in Russian language. This reveals ethnically-driven policy of Russification of local population.
45. Throughout 2015-2016, more than 50 incidents involving Russian FSB officers have been registered, who did not allow ethnic Georgian schoolchildren to cross the occupation line to attend their schools on the central Government-controlled territory.
46. 127 facts of the children detention for the so-called “illegal border crossing” have been recorded. Sometimes children were detained for hours. They were frequently taken to the so-called “State Security offices,” and released only after paying illegal fines.
47. Due to these restrictions, many parents have withdrawn their children from Georgian schools and the number of schoolchildren has declined – from 48 in 2013 to only 14 in 2016.
48. The Georgian Government is highly committed to duly protect human rights and freedoms throughout its entire territory, including in the occupied regions. For instance, Georgia’s health care system operates a special Referral program that ensures free medical treatment of residents of Georgia’s occupied regions in any medical institution of Georgia. According to the existing data, thousands of residents from the occupied regions of Georgia, including hundreds of children, benefited from this medical system

receiving free services on the territory controlled by the central government. In recent years, the number of people coming over the occupation line for healthcare purposes has doubled. The Georgian Government also regularly delivers to Abkhazia region various types of medicine and medical equipment.

49. A multi-profile and fully equipped modern university clinic is under construction and a multifunctional trade center was already opened in the village of Rukhi that is closest to occupation line.
50. In the framework of the “1+4” program, the Government provides an opportunity to the students residing in the occupied territories to enroll in the universities across Georgia via simplified procedures. At the same time, we provide possibilities to the residents of Abkhazia and Tskhinvali region/South Ossetia to receive scholarship and participate in international academic and exchange programs in leading American, European and other universities.
51. For years, the Georgian authorities have been advocating the involvement of international organizations in the issue of the protection of human rights in the occupied regions of Georgia as well as significance of the access of international human rights monitoring mechanisms in these areas. The occupying power, exercising effective control, continues to prevent numerous international organizations, including humanitarian, from entering those territories. As of 2015, the Ministry of Foreign Affairs of Georgia commenced to issue quarterly reports based on open sources concerning the human rights situation on the occupied territories of Georgia.
52. The international community has been calling on the Russian Federation to bear responsibility for violations of human rights on the Georgian territories currently under Russia’s effective control. The UN Human Rights Committee issued recommendations to the Russian Federation regarding the issue at its 97th and 113th sessions in 2009 and 2015 respectively.

#### **IV. Prevention of the Sale of Children, Child Prostitution and Child Pornography**

##### **A. Awareness-raising**

53. The Government of Georgia considers public awareness raising campaigns on human trafficking as one of the essential preventing measures. For the effective implementation of the preventive measures, on February 12, 2014, the Inter-Agency Council on Combating Trafficking in Human Beings (THB Council) approved Common Information Strategy on combating trafficking with specially identified vulnerable target groups, regions and means of implementation. It should be underlined that such information strategy and action plan is quite unique in the region. The priorities, target audiences and the key messages were developed at working level meetings among the line ministries and relevant NGOs.

54. Within the framework of the Common Information Strategy approved by the Inter-Agency Council on Combating Trafficking in Human Beings in 2014 information meetings with different target groups such as pupils, students, children in street situation, journalists, minorities and people from rural areas are permanently organized across the Country.
55. Assessment of the efficiency of the information meetings is one of the priorities for the THB Council. For the aim the special questionnaires were developed by the Secretariat of the Council in close cooperation with International Organization for Migration. The questionnaires were disseminated during the information meetings in order to identify gaps in knowledge of general population on THB (Trafficking in Human Beings) issues, as well as to assess whether awareness of the population has increased since the previous years.
56. The evaluation of the information meetings illustrated that the age of target audience (female and male) fluctuated from 14 to 61 years. Participants of the meetings were with different background: teachers, journalists, NGO representatives, students, pupils, etc. The evaluation found that mostly people are well aware about the threats of THB, they are able to identify the means of exploitation, acknowledge the link between human trafficking and human smuggling and consequences of illegal migration. Additionally, participants are able to identify the indicators of exploitation such as deprivation of identification documents, forced labor, restriction of communication and freedom of movement, etc.
57. Additionally, in 2014 and 2015, various educational activities (trainings, public lectures, moot court competitions, round tables, information meetings, summer schools, movie shows and discussions, etc.) were organized for school pupils, teachers and students, various information leaflets, flyers and brochures were widely disseminated among minors and teenagers to inform them about the threats of sexual exploitation, the ways how to prevent the crime and to whom they should apply in case of any type of violence against them.
58. On 30 July 2016, marking the World Day against Trafficking in Persons, in 25 Community Centers across Georgia, trainings on the prevention of trafficking were held, covering in total 125 participants. The trainings were open to any person interested in the issue. Special information leaflets were distributed amongst the participants.
59. For effective implementation of preventive measures of the National Action Plan on Combating Human Trafficking, in particular, to raise public awareness on dangers of human trafficking and to provide appropriate training to relevant officials, the Ministry of Foreign Affairs of Georgia undertakes following measures:

- Distributes the booklets regarding trafficking, illegal migration and basic human rights;
  - With the financial support of the Representative of International Organization of Migration in Georgia informational booklets are being published (“advices for the travelers abroad”). The booklets include information on the consular assistance and dangers of human trafficking. They are distributed on the border crossing points and at the Diplomatic Missions and Consular Posts of Georgia abroad also, among Georgian Diaspora organizations in the host country;
  - To prevent human trafficking and to take appropriate anti-trafficking measures, the Ministry of Foreign Affairs has set up hotline. Contact information of this hotline is available on the website of the Ministry of Foreign Affairs. Moreover, information regarding issues on human trafficking, including contact details of the relevant international and non-governmental organizations in the country of residence is available on the website of the Ministry of Foreign Affairs of Georgia as well as on the websites of Georgia’s Diplomatic Missions and Consular Posts abroad.
  - Trafficking related topics are included in the compulsory preparation course for the consular officials before posting abroad.
  - Meetings are held periodically in Tbilisi for Consular Officials of Georgia where THB topics along with other issues are being discussed.
60. One of the main priorities of the Ministry of Education and Science of Georgia is to keep schoolchildren informed on the prevention of any form of violence, teaching about human rights and formation of legal culture. In order to raise awareness of pupils on human rights a number of school contests are organized on a regular basis. “Main objective of the contests is to foster schoolchildren to express their own vision and attitude towards the issues of human rights protection, gender equality, fighting any form of violence, including trafficking, risks emanating from early marriages, and etc.
61. Particular attention is paid to the awareness-raising of children and youngsters about the threats of all types of exploitation in order to prevent THB against them. The Government of Georgia prioritizes prevention of trafficking, including sexual exploitation, through enhancement of education in secondary and high schools. In this regard issues related to sexual and labor exploitation is widely covered by the national curriculum for 2011-2016 years. Issues related to human trafficking are included subject of social sciences – Civic Education and History.
62. To raise schoolchildren’s civil consciousness on human rights, the Ministry of Education and Science of Georgia carries out the following non formal education projects together with the other agencies: “The Programme of Civic Education “, “The



programme of legal education in Georgia”, “On Children’s Rights”, etc. Civil education clubs are functioning in over 1000 schools where schoolchildren discuss the issues of Children’s rights, ways of fighting violence, and other issues.

63. Parents have special role in the process of combating violence and aggression against children. Ministry of Education and Science implements “Parents Education and Engagement Programme” that aims to inform parents of legal and health-related risks emanating from early marriages through regularly organizing meetings/public lectures with the parents living in the regions of Georgia with the highest rates of early marriages. Similarly, to general education, a wide range of activities at vocational education level were implemented in the course of 2015 and 2016 in with the support of various international organizations and local non-governmental organizations, aiming at informing students about threats of THB and preventive measures, early marriage, healthy lifestyle, safe migration.
64. In compliance with the overarching strategic policy of the Ministry of Education and Science, all trainings devoted to school administration, teachers, must include either a separate module or crosscutting themes on civic education, issues on elimination of all forms of violence, discrimination, human trafficking, protection of children’s rights and etc.
65. The National Center for Teacher Professional Development under the Ministry of Education and Science regularly arranges trainings aimed at improving professional skills and competences of teachers in the issues of early/forced marriage, along with the issues of domestic violence, violence against women, gender education at school, children violence. More specifically, the Center provides Civic Education training module “Civic Education Teaching Methods”. Furthermore, training module “Civic education teaching methodologies for non-Georgian school teachers” was developed in 2015 and is in the process of translation into Armenian, Azerbaijani and Russian languages. Trainings have not yet been implemented.
66. The National Center for Teacher Professional Development participates as a partner in the joint project of the European Union and the Council of Europe “Promoting Human Rights Education and Democratic Citizenship in the Eastern Partnership Countries”, aiming at supporting universities and school communities to develop teaching competences about democratic citizenship and human rights education.
67. The National Center for Teacher Professional Development is involved in a working group, which is jointly with the UNFPA working on development of cross-cutting standard “on reproductive health and healthy lifestyle”. The standard has been developed and adopted in 2016. One of the topics of the given standard deals with negative sides and prevention of early marriages.

68. Furthermore, the National Center for Teacher Professional Development is currently working on the training module for civic education teachers - "Prevention of Trafficking". The module will incorporate children trafficking related issues.
69. In 2016, in order to enhance the qualification of school principals and teachers, the module: "Effective Director from Theory to Practice" was developed. The module incorporates the issues on understanding the concept of discrimination and the Convention on the Rights of the Child. 1700 school principals took part in the training.
70. It is notable that the beneficiaries of large residential institutions (orphanages) and alternative child care services (small group homes) are periodically trained about the rights of the child that help them have proper information on all rights enshrined in the Convention. The trainings are organized based on the agreements and consultations of the Ministry of Labour, Health and Social Affairs of Georgia with international and local non-government organizations.
71. The trainings imply teaching on the Convention on the Rights of the Child or trainings about particular rights determined by the Convention, such as: violence/negligence, trafficking, expression of opinions. Trainings help children and adults to better understand their rights and duties. It is important to note that such trainings support children in realizing their own rights properly.
72. As of 1 January 2017, the minimum age of marriage is 18 according to the amended Article 1108 of the Civil Code of Georgia. In order to prevent the occurrences of Child & early marriages/forced marriages, activities are carried out as follows: student's awareness raising - a healthy lifestyle and demographic issues are incorporated in 2011-2016 National Curriculum in a number of subject areas, such as: Natural Sciences, Civic Education, Physical Education and Sport.
73. Within the scopes of the National Curriculum for 2011-2016, themes of violence, as well as healthy lifestyle issues are considered as cross-cutting issues on each stage of general education and are accordingly reflected in approved textbooks developed on the basis of National Curriculum in 2012.
74. The National Curriculum of new generation (2017-2023) foresees to make greater focus on these issues. The National Curriculum of primary education is already prepared and approved, including a standard and annual programs for the new subject of the social sciences "Me and society", which focuses on the mentioned issues more comprehensively at an early stage of learning (from III grade).
75. The working process on 2017-2023 National Curriculum of lower secondary stage is finalized and principles such as gender equality, prevention of violence are highlighted.

76. Under the initiative of the Ministry of Internal Affairs, representatives of the Ministry of Internal Affairs and the Ministry of Education and Science held information-educational meeting within the frames of the World Day for Prevention of a Child Abuse with senior class pupils of the N191 Tbilisi public school.
77. Representatives of the Ministry of Internal Affairs discussed issues related to various forms violence among juveniles including bullying common in schools, serious crimes and etc. Another form of child abuse-minor trafficking issue was also discussed at the meeting.
78. At the meeting pupils were shown videos on the fight against violence prepared by the Ministry. Participants of the meeting provided detailed answers. Representatives of the 112 Emergency Response Center told pupils that in case if subjected to violence, witnessing or becoming an accomplice of the crime, juveniles should contact 112 center in order to make quick response.

## **B. Inclusive Education**

79. Article 35 of the Constitution of Georgia states that everyone shall have the right to receive education and the right to free choice of a form of education. Special education in Georgia is regulated by the Law on "General Education" and National Curriculum for the years of 2011-2016. It should be noted that in 2010, significant changes were introduced to both regulatory documents to provide quality education for persons with Special Education Needs in Georgia. Meaning of Special Education Needs, Inclusive Education, Individual Learning Plan, Multidisciplinary Team and a Special Teacher has been redefined in the Law of Georgia on General Education. The following issues were fully reflected in National Curriculum: a process of providing Inclusive Education at schools, importance of availability of Individual Education Plan, integration of persons with Special Education Needs into learning process, an assessment of their academic progress.
80. In December 2013, the Parliament of Georgia ratified the Convention on the right of People with Disability. In 2014, the Prime Minister of Georgia approved “Technical Regulation of Space Construction and Architectural Design for People with Special Needs”.
81. A Multidisciplinary Team made up of psychologists, special education teachers, speech therapists and occupational therapists was formed to support Inclusive Education. Its tasks include identification and assessment of students with special education needs (SEN) and support their integration into mainstream educational environment together with peers at schools, provision of assistance to classroom teacher in development and implementation of individual education programs for students with SEN. The multidisciplinary teams work in all municipalities of Georgia.

82. According to the data, in 2013, 3366 students with SEN were enrolled in an education process, while in 2014 there were 3898 students, in 2015 - 5268 and in 2016 there are 5752 students enrolled in the public schools of Georgia.
83. In 2013, to back inclusive education and equal opportunities for the development of vocational education for persons with special needs in the system of vocational education, the Ministry of Education and Science of Georgia launched a project on Development of Inclusive Education in the System of Vocational Education and Training of Georgia with the support of the Government of Norway. In 2015, adaptation to physical environment, based on the universal design principles, has been launched in 5 state vocational training schools out of 21 ones. According to the data for 2013-2015, 426 students with SEN were enrolled in the vocational education stage.

### **C. Social Inclusion and Integration**

84. State program for social rehabilitation and child care includes sub-program to provide shelter to children and youth living and/or working on the streets. Program includes operation of four mobile street teams comprised of a social worker, a psychologist, and a peer educator (a child previously living and working on the streets), who serves as a mentor, who makes initial contact with children on the streets and directs them to the program's services. Program also funds six day care centers and four 24-hour shelters that prepare children to reintegration into biological families or alternative family type care.
85. Current services of the sub-program to provide "homeless" children with shelter, as of June 2016:
- 115 beneficiaries were in day care centers, each month 96 beneficiaries uses this service;
  - 37 beneficiaries were in shelters, during the month 34 beneficiaries;
  - hotline service received 73 calls, from which 24 were transferred to 112 service. The mobile groups responded to 46 phone calls. Only in 3 cases the mobile groups couldn't respond.
86. From 2014 until now:
- 14 beneficiaries were moved to small group homes from shelter;
  - 16 beneficiaries were moved to foster care from shelter;
  - 10 children were reintegrated;
  - 90 beneficiaries and their family members received support in obtaining documentation;
  - 38 beneficiaries' families involved in emergency assistance subprogram for families with children in crisis situations;
  - 56 beneficiaries enrolled in school.

87. In 2015, in the framework of the program “Second Chance Education for Out of School Children in Georgia”, the Ministry of Education and Science started ensuring children living and working in the streets with education component. On the basis of the program individual work is carried out with each beneficiary of the services provided under the Social Service Agency.
88. In 2016, within the framework of the program “Second Chance Education for Out of School Children in Georgia”, the Ministry of Education and Science implements special service - “Transit Educational Programme” within the services for homeless children at Social Service Agency. The program aims at integrating homeless children (the so-called children living and working at streets) into formal education space. At this stage it provides assistance to around 80 beneficiaries in enrolling in schools and vocational education institutions. Specialists also work at developing their academic, as well as cognitive and functional skills.
89. The role of local NGOs in awareness raising campaign is worth to be noted. As already mentioned above, each year the Ministry of Justice issues grants for civil society organizations in order to promote their engagement in awareness raising activities. Detailed information on the activities carried out for the purpose of raising awareness of the society in the essence of human trafficking crime and methods of combating it can be found in the Annex I of this report.
90. Under it trainings were provided for 150 public school teachers and school principals to improve their approaches and abilities to overcome difficulties in interacting and working with the vulnerable children, including the so-called children living and working at the streets.
91. Parents of the classmates of the so-called children living and working at the streets get to know children’s fundamental rights. They also get information on the difficulties created by the society for adolescents with bitter life experiences. The information campaign has been planned to overcome the stigma in society towards the so-called children living and working at the streets.
92. To prevent the existing risks for the “vulnerable children”, the programme “Second Chance Education for Out of School Children in Georgia” works on:
- The creation of a monitoring system for children left out of school in Georgia. In cooperation with Educational Management Information System under the Ministry of Education and Science, it is planned to integrate new indicators related to remaining out of school into the base available in the information system.
  - On the Action Plan of a national model for the programme “Second Chance Education”, to integrate into formal education pupils and adolescents left out of it.

93. The Ministry of Education and Science implements a program “Social Inclusion” aiming to support integration of vulnerable groups into the formal education. One of the focus groups and beneficiaries of the program are Roma children. The program offers children different kind of support. Within the program, in the regions populated with Roma clubs are established where Roma children, together with their Georgian peers, are carrying out the activities as follows: reading in Georgian language, performing plays, contests. As an outcome of the program, the number of children studying Georgian language has significantly increased, as well annually grows Roma’s integration into education: if last year 88 Roma children attended school, this year their number is increased to 155. Besides these activities, active work is carried out with Roma children parents in order to persuade them send their children to school.
94. Apart from involving Roma children in the program of non-formal education, the programme focuses on Roma children experiencing difficulties in their studies catching up with their school age, as well as their professional education. In 2016, for the purpose of assisting an 18-year-old Roma adolescent (who enrolled in the 4<sup>th</sup> year, though, due to clearly different age used to avoid going to school), he was registered beforehand and passed examinations in an externship form; he obtained a certificate for basic education of 9 years and was enrolled in a vocational college. During 8 months the adolescent is being trained for IT professional (the vocation was chosen according to his interest and will) and lives in a dormitory of a vocational college for free. As soon as he completes his studies, he will be assisted in finding a job.
95. Apart from Roma children, as of 2016, the beneficiaries of the program include other focus groups such as stateless children, IDP children, children with disabilities, etc. The program budget in 2016 is 97,600.

### **III. Prohibition of the Sale of Children, Child Pornography and Child Prostitution and Related Matters**

#### **A. Legislative Framework**

96. Georgia ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on 23 September 2014, and it entered into force on 1 January 2015.
97. The Law of Georgia on Combating Trafficking was amended in accordance with the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in April 2012. In particular, the new chapter inserted in the Law refers to the social and legal protection, assistance and rehabilitation of child victims. In May 2014, amendments to the Criminal Code of Georgia and Law on Combating Trafficking were introduced, providing a more clear definition of the term “exploitation”.

98. In line with the international obligations under Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (the Protocol) Georgia criminalizes all acts and activities enumerated in paragraph 1 of Article 3, of the Protocol.
99. Even before its accession to the Protocol on 28 June 2005 Georgia undertook number of legislative measures to uphold international standards in protection of children from economic and sexual exploitation. Thus, on 6 June 2003 Articles 1431 (Human trafficking) and 1432 (Child trafficking) were introduced to the Criminal Code of Georgia. It should be highlighted that child trafficking was not included as an aggravated circumstance in Article 1431 but was distinguished as a separate crime which demonstrates the seriousness of the approach of the Georgian legal system to the matter.
100. Article 1432(1) is read as follows: “Purchase or sale of children, or other unlawful transactions in relation to them, as well as their recruitment, carriage, concealment, hiring, transportation, provision, harbouring or reception for exploitation, shall be punished by imprisonment for eight to twelve years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years.”
101. Furthermore, the provision lists the circumstances that may aggravate the criminal responsibility of the culprit. Thus, according to Article 1432(2) the same act committed knowingly against a pregnant women or against a helpless person or a person who financially or otherwise depends on the offender or by abusing official position is punished by imprisonment for a term of 11 to 15 years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years. Further, Article 1432(3) stipulates that the same act committed: a) repeatedly; b) using coercion, blackmail or deception; c) against two or more children; d) by taking the victim abroad; e) using violence or threat of violence dangerous for life or health, shall be punished by imprisonment for a term of 14 to 17 years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years. Finally, any of the acts listed in paras 1, 2 and 3 of Article 1432 committed by an organized group or causing the death of the victim or other grave consequences entails the criminal responsibility in form of imprisonment for a term of 17 to 20 years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years or with life imprisonment.
102. Article 1431 contains a note that defines the term “exploitation” for the purposes of the Articles 1431 and 1432. According to the note the following acts committed with the purpose to gain material or other benefit shall constitute exploitation:
- a) inducing a person to perform labor or other services;
  - b) inducing a person to provide sexual services;

- c) engaging a person in criminal activities, prostitution, pornographic or other anti-social activities;
- d) removing, transplanting or otherwise using an organ, part of an organ or tissue of the human body by force or deception;
- e) subjecting a human being to practices similar to slavery or to modern-day slavery. Subjecting a human being to modern-day slavery shall mean creation of such conditions when the person performs certain work or renders services in favour of another person in return for payment, inadequate payment or without payment, and he/she is not able to change these circumstances because of his/her dependence on that person.

103. Dependence on a person may be caused by, among other things:

- i. confiscation, control or intentional unlawful handling of personal identification documents;
- ii. restriction of the right to free movement or control of free movement;
- iii. restriction or control of communication (including correspondence and phone calls) with family members or other persons;
- iv. creation of coercive or threatening environment.

104. According the same note a person's consent to his/her pre-determined does not play role and shall not be deemed as a circumstance excluding or mitigating criminal responsibility of the culprit.

105. According to Article 1072 of the Criminal Code, a legal person shall be criminally responsible only if so prescribed under the relevant article. Articles 1431 and 1432 prescribe that for the acts provided for by these articles, a legal person shall be punished by deprivation of the right to carry out activities or with liquidation and a fine.

106. To create additional impediments to the practice of trafficking, the Georgian Government have criminalized the usage of services of victims (person affected by) of human trafficking. In particular Article 1433 of the Criminal Code envisages criminal liability for knowingly using the services of victims/statutory victims of human trafficking, which imposes criminal sanctions of restriction of liberty for up to four years or imprisonment for a term of three to five years. As to the aggravating circumstances, the same act committed; a) repeatedly; b) knowingly by the offender against a pregnant woman; c) knowingly by the offender against a helpless person or a person who financially or otherwise depends on the offender; d) by abusing the official position, - shall be punished by imprisonment for a term of five to seven years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years; the same act committed: a) against two or more persons; b) using violence or threat of violence which is dangerous for life or health, - shall be punished



by imprisonment for a term of seven to twelve years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years. Any of these acts committed by an organized group entails criminal responsibility in a form of imprisonment for a term of 12 to 15 years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years. It is worth mentioning that the mentioned provision foresees exemption from criminal responsibility for a person who has committed a crime prescribed by it if he/she voluntarily provides information about the crime to the investigative authorities in writing or by using any technical means of communication, contributes to the conduct of investigation and his/her actions do not contain elements of any other crime.

107. In order to further enhance legal framework in terms of protection of minors against sexual exploitation, pornography and sexual abuse in line with international standards, the Government of Georgia has amended the Criminal Code of Georgia.
108. In particular, Article 253(2) of the Criminal Code criminalizes engagement of a minor in prostitution by using violence, threat of violence or of destruction of property, blackmail or deception and acquiring benefit from the engagement of a minor into prostitution. The commission of this crime is punishable by imprisonment for a term of five to seven years. The article also prescribes that for this act a legal person shall be punished by deprivation of the right to carry out activities or with liquidation and a fine.
109. Further, Article 255 of the Criminal Code provides the definition of the pornographic work containing images of minors, i.e. “a visual or audio-visual material produced by any method, also a staged performance which, using various means, depicts the participation of minors or of characters with the appearance of a minor in the actual, simulated or computer-generated sexual scenes or displays genitalia of a minor for the gratification of a consumer's sexual needs. A work shall not be considered to be pornography if it has medical, scientific, educational or artistic value”. The article criminalizes purchasing, storing, attending the demonstration of, offering, disseminating, transferring, advertising, providing access to or using pornographic work containing images of minors and imposes a punishment in a form of a fine or corrective labor for up to two years and/or by imprisonment for up three years. Further, the same provision outlaws making or selling pornographic work containing images of minors and sets a punishment measure in a form of imprisonment for a term of three to five years. For the act defined in the article, a legal person shall be punished by a fine, with deprivation of the right to carry out a particular activity or by liquidation and a fine.
110. Furthermore, Article 255<sup>1</sup> prohibits engaging of minor in illegal production of pornographic piece or other object, as well as in proliferation or advertising of such item or receiving benefit from such activities. Distributing, advertising of pornographic materials, making any commercial deals related to such materials or receiving any kind of benefit from this activity is also criminalized under Article 255<sup>1</sup> of the Criminal

Code. The sanctions applied for these offences vary from two up to five years of imprisonment. A legal person for committing the crime is punished by a fine, with deprivation of the right to carry out a particular activity or liquidation and a fine.

111. Also, a sexual intercourse, homosexual or lesbian or other sexual intercourse in a perverted form committed knowingly by an adult offender against a person who has not attained the age of 16 years is criminalized by Article 140 of the Criminal Code and may result in criminal sanctions in form of imprisonment for a term of seven to nine years.
112. Apart from this, Article 2552 of the Criminal Code imposes criminal sanctions for proposing a meeting to a person under the age of 16 through any means of communication for any sexual purposes i.e. for the commission of the crime stipulated by Article 140 by or Article 255(3) (making or selling pornographic work containing images of minors). The sanction applied for these offences is restriction of liberty for up to three years or imprisonment for a term of one to three years.
113. In this connection it should also be mentioned that offering an area or dwelling place for prostitution is also criminalized in Georgia by Article 254 of the Criminal Code. It stipulates that making available an area or dwelling place for prostitution shall be punished by a fine or imprisonment for a term of two to four years and sets a punishment for legal persons in a form of a fine, with deprivation of the right to carry out a particular activity or liquidation and a fine.
114. In addition, Article 171 of the Criminal Code prohibits the involvement of minors into anti-social activities and sets out that persuading minors to get involved in beggary or other anti-social activities shall be punished by community service from 170 to 240 hours or with corrective labor for up to two years or with imprisonment for up to two years; involving minors into the abuse of intoxicating drugs or medications shall be punished by restriction of liberty for up to three years or with imprisonment for up to three years whereas engaging minors in prostitution using violence, threat of violence or by deceit shall be punished by imprisonment for a term of two to five years. For the acts specified in the article a legal person shall be punished by deprivation of the right to carry out a particular activity or with liquidation and a fine.
115. As to the legislative measures aimed at prevention of illegal adoption there are a number of criminal law provisions with deterring effect.
116. Thus, Article 172 of the Criminal Code prohibits purchases or other unlawful transactions with respect to minors for the purpose of their adoption and sets a punishment for that actions - a fine or imprisonment for up to a year. The sale of a minor is also criminalized by the same provision and may result in stricter punishment - imprisonment for a term of two to five years.

117. According to the current legislation on child adoption and foster care, intermediary is not involved in the adoption process. In order to prevent activities of intermediaries Article 1721 of the Criminal Code criminalizes preliminary selection, for adoption purposes, of pregnant women and creation of opportunities for taking pregnant women out of Georgia for childbirth or assistance in such placement for adoption and imposes a sanction in a form of imprisonment for a term of three to seven years. The article also sets aggravating circumstances – if the act is committed repeatedly or by more than one person – and sets that in that case the punishment shall be imprisonment for a term of six to nine years.
118. Finally, violation of the procedure for adoption or foster care which has resulted in grave consequences is prohibited by article 173 of the Criminal Code and results in a fine or corrective labor for up to two years, or with imprisonment for up to two years. The same action committed by abusing one's official position shall be punished by a fine or imprisonment for up to four years, with or without deprivation of the right to hold an official position or to carry out a particular activity for up three years.
119. With regard to combating transfer of organs of the child for profit as prescribed by Article 3 of the Protocol it should be noted that Article 134(2) of the Criminal Code provides that coercion into removing a human organ, part or tissue of an organ for the purposes of treatment, transplantation, experiment or manufacturing of medicinal products committed knowingly by the offender against a pregnant woman, minor or helpless person or a person who materially or otherwise depends on the offender shall be punished by imprisonment for a term of three to five years, with deprivation of the right to hold an official position or to carry out a particular activity for up to three years.
120. Trade in human organs is also criminalized by Article 1351 of the Criminal Code and implies punishment in form of imprisonment for a term of six to nine years, eight to twelve years if committed repeatedly and eleven to fifteen years if committed by an organized group.
121. According to Article 4(14) of the Law of Georgia on Advertising usage of images or voices of minors for advertising of sex-related products in any form shall be prohibited.
122. Georgian National Communications Commission has adopted Resolution No. 3, by which terms and conditions for the provision of Services and protection of Customer rights in the spheres of electronic communications were developed in accordance with the laws of Georgia on Consumer Rights Protections, on Electronic Communications and on Independent National Regulatory Authorities.
123. According to the resolution, productions transmitted by means of electronic communications, such as pornography, items featuring especially grave forms of hatred, violence, invading on a person's privacy, as well as slanderous, insulting,

violating the principle of presumption of innocence, inaccurate, and other products transmitted in violation of intellectual property rights and the Georgian Legislation are defined as “Inadmissible production”.

124. The resolution provides for measures to ensure protection of rights and legitimate interests of consumers. In particular, it defines a complaint as a ground for the rehabilitation of a violated or disputed right and of legal interests of consumer. Moreover, it lays down procedure for the consideration of a dispute between Service provider and consumer.

## **B. Protection of Minors Born through Extracorporeal Fertilization (surrogacy)**

125. The Government of Georgia pays particular attention to the protection of children born through extracorporeal fertilization (surrogacy). Therefore, on 22 March 2016, legal amendments were introduced to the Law of Georgia on the Rules of Leaving Georgia and Arrival to Georgia by Citizens of Georgia and the Law of Georgia on the Legal Status of Foreigners and Stateless Persons. In particular Article 81 was added to the Law of Georgia on the Rules of Leaving Georgia and Arrival to Georgia by Citizens of Georgia that regulates the provision on removal of a child from Georgia born in Georgia through extracorporeal fertilization (surrogacy).
126. The main aims of the amendments are to protect the best interests of children born in Georgia through extracorporeal fertilization (surrogacy); to prohibit the removal of such children from Georgia by circumvention of the law; to prevent committing any illegal acts against them, including violence, pornography, sexual exploitation, trafficking.
127. According to the amendments the removal of a child born in Georgia through extracorporeal fertilization (surrogacy) is possible only when both parents are indicated in the Civil Act of Birth issued by the Public Service Development Agency. In addition, the rules on the removal of a child born in Georgia through extracorporeal fertilization (surrogacy) were approved upon the Joint Order of the Minister of Justice of Georgia and the Minister of Internal Affairs of Georgia (1133, 1144; 5 April and 11 April 2016). This Joint Order regulates the procedures for taking a child born in Georgia through extracorporeal fertilization (surrogacy), the grounds of the restriction of right to remove the child from Georgia and important aspects of cooperation between the respective units of Ministry of Internal Affairs and the Public Service Development Agency to protect the rights and best interests of a child.
128. In addition, according to the new regulations, the data on the child born in Georgia through extracorporeal fertilization (surrogacy) developed by the Public Service Development Agency is available for the Ministry of Internal Affairs which controls the passport at the border crossing points. If during the passport control the respective employee of the Ministry of Internal Affairs detects that the child who is leaving

Georgia for the first time is born in Georgia through extracorporeal fertilization (surrogacy) and is included in the database of the Public Service Development Agency but both parents are not indicated in the Civil Act of Birth or the Agency has not registered the civil act of birth of the child, the authorized official of the Ministry of Internal Affairs is obliged to prevent the leaving of a child from Georgia.

129. The above-mentioned rule on the removal of a child born in Georgia through extracorporeal fertilization (surrogacy) is in force and applicable since 11 April 2016.

### **C. Children working and/or living in the streets**

130. The Government of Georgia also pays particular attention to those minors who are living and working in the streets. They might be the subjects of violence, abuse and exploitation. To address this issue the Government of Georgia initiated legal amendments in up to 10 legal acts aiming at creating legal framework to provide children living and/or working in the streets with identification documents free of charge and strengthening the role of social workers in case of violence to separate minor from perpetrator/remove the child from family or other environment where the violence was committed. In particular, the elaborated legislative package has two main dimensions:

- It provides the legal definition of children living and/or working in the streets, who are identified and granted the status of homeless children by the entitled Social Worker. Granting the status of homeless children aims at creating the legal basis to provide those kids with identification documents free of charge in order to ensure the access to different state run services, including education, medical, social or other kind of services. The guardianship and custodianship body operating under the Social Service Agency is authorized to refer the case to the Public Service Development Agency operating under the Ministry of Justice of Georgia, entitled for the civil registration, for granting the identification documents for homeless children.
- Legal amendments aim at strengthening the role of the social worker. According to the new regulations, the social worker is granted the authorization to assess whether a child is the victim of any type of violence and make a decision to remove the child from family or environment where the violence was committed.

131. The legal package on homeless children was adopted by the Parliament of Georgia on 22 June 2016 and came into force on 10 August 2016.

### **D. Exercise of Criminal Jurisdiction**

132. There are two modalities in which Georgia exercises its criminal jurisdiction - territoriality and extraterritoriality. Article 4 of the Criminal Code of Georgia foresees

that “a person who has committed a crime in the territory of Georgia shall be criminally liable under this Code”. Furthermore, Article 4 stipulates that a crime shall be considered to have been committed in the territory of Georgia if it began, continued and terminated or ended in the territory of Georgia and extends criminal jurisdiction of Georgia to the continental shelf and in the Special Economic Zone of Georgia and on persons committing a crime on or against a ship authorised to fly the national flag or national insignia of Georgia. According to Article 5 of the Criminal Code, the latter modality is based on principles of active personality (due regard paid to double criminality requirement), protective principle and principle of universal jurisdiction. The latter is stipulated in Article 5(3) of the Criminal Code which is read as follows: “a foreign citizen or a stateless person shall be criminally liable for a crime committed abroad [...] if criminal liability for committing the crime is established by an international treaty to which Georgia is a State party.”

#### **E. Status of Limitation**

133. Status of limitation issues is regulated by Paragraph 1 of Article 71 of the Criminal Code, which stipulates that a person shall be released from criminal liability, if:
- a) two years have passed after the commission of the crime for which the maximum sentence prescribed by the special part of this Code does not exceed a two-year term of imprisonment;
  - b) six years have passed after the commission of another, less serious crime;
  - c) 10 years have passed after the commission of a serious crime;
  - c<sup>1</sup>) 15 years have passed after the crimes provided for by Articles 332-342<sup>1</sup> (“Official misconduct”) of this Code, unless they constitute particularly serious crimes;
  - d) 25 years have passed after the commission of a serious crime.
134. It should be clarified that Georgian criminal legislation distinguishes three categories of crimes: less serious; serious and particularly serious crimes.
135. According to Article 12 of the Criminal Code less serious crimes are deemed those intentional crimes or crimes of negligence for the commission of which the maximum sentence prescribed under the Criminal Code does not exceed 5 years of imprisonment. An intentional crime for the commission of which the maximum sentence does not exceed 10 years of imprisonment under the Code, also a crime of negligence for the commission of which the maximum sentence exceeds 5 years of imprisonment shall constitute a serious crime. Particularly serious crime can be only of direct intent and are punished by more than 10 years of imprisonment or life imprisonment.
136. According to Article 71(3) the period of limitation shall be suspended if the offender has absconded during the investigation or trial. In this case, the flow of the period of

limitation shall be resumed upon the detention of the offender is detained or his/her appearance with the confession of guilt. The period of limitations also suspended for the period during which the person is protected by immunity. No period of limitation shall apply in cases prescribed by the treaties to which Georgia is a party.

## **F. Extradition**

137. According to the International Cooperation in Criminal Matters Act, extradition is generally carried out on the basis of bilateral or multilateral treaties binding for Georgia. However, in case of non-existence of extradition treaty with a relevant state, the Ministry of Justice of Georgia is authorized to conclude an ad hoc agreement with the appropriate foreign authorities and thereby carry out extradition procedures (Article 2).
138. Since all the offences covered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography are criminalized in the Georgian domestic legislation and they also comply with the requirement regarding the threshold of punishment, extradition of a person from Georgia is permitted for the crimes referred to the above-mentioned Protocol.
139. Article 13 §4 of the Constitution of Georgia prohibits transfer of a Georgian national to a foreign state unless international treaty of Georgia provides otherwise. Georgian citizenship, as a ground for refusal of extradition, is also indicated in Article 21 of the International Cooperation in Criminal Matters Act. In the given case, at the request of the foreign state seeking extradition, the Ministry of Justice of Georgia submits the transferred case files or their certified copies to the competent local authorities for the propose of conducting investigation or prosecution with regard to the crimes indicated in the request (Article 42 of the International Cooperation in Criminal Matters Act). The investigation and prosecution in question continue in accordance with the legislation of Georgia. Besides, the evidence submitted by the requesting state have the equal legal force as the ones obtained in the territory of Georgia, provided that such evidences are collected in observance with the procedures and rules of the relevant foreign state (Article 42§2 of the International Cooperation in Criminal Matters Act). In case the evidence are insufficient for the prosecution or punishment of the person in question, the Ministry of Justice of Georgia is authorized to obtain additional materials from the relevant foreign state on the basis of the mutual legal assistance request.
140. After making the final decision concerning the transferred case files, the competent authorities of the requesting state are dully notified in this regard.
141. The procedures and rules described above are also applicable with regard to the crimes covered by the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

142. In 21 July 2010, Georgia adopted the International Cooperation in Criminal Matters Act, which entered into force on 1 October of the same year. The above-mentioned law covers all the issues of international cooperation, including extradition.
143. Since Georgia's accession to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography, June 18, 2005, one extradition was carried out by the Georgian competent authorities in regard to the crimes envisaged by the said Protocol. In particular, in 2012, the competent US authorities addressed the Ministry of Justice, Office of the Chief Prosecutor of Georgia with the request for extradition of C. F., citizen of the USA. According to the case files, from 2005 to 2012 Mr. C. F. sexually molested three of his underage daughters in their home. The crime is punishable under Article 139 §2 (coercion into sexual intercourse or any other act of sexual nature, committed in aggravating circumstances) of the Criminal Code of Georgia. On May 2012 Superior Court in Spokane County issued an arrest warrant for F. for multiple charges. In May 2013 extradition of C. F. was found admissible and he was extradited to the USA by the competent authorities of Georgia.

## **V. Protection of the Rights of Child Victims**

### **A. Legal Aid Service**

144. Legal Aid Service which provides free advocacy service for the citizens of Georgia since 2007 is an important actor of the justice system of the country. The children victims are subject of compulsory defense and if a minor accused does not have a lawyer chosen by a general rule, the public lawyer of Legal Aid Service is assigned as his/her defense attorney.
145. As for a child victim, the mandate of the Service regarding this has changed several times in 2007-2016.
146. Until January 1, 2016, protection of the interests of a child victim was provided by the state only at the investigation stage, while recognition as a victim and his/her questioning.
147. Since January 1, 2016, according to the newly-adopted Code of Juvenile Justice, the Legal Aid Service public lawyer is appointed for a victim. In order to prevent the secondary victimization and the repeated victimization, the defense lawyer attends the proceedings with participation of a child victim.
148. In the practice of Legal Aid Service there were no cases regarding sale of children, child prostitution and child pornography. Generally, in 2013-2016, the statistics of child victims is the following: the public lawyers of Legal Aid Service provided assistance



to 336 child victims in total, out of this number, 98 children were victims of sexual violence and 30 children were victims of domestic violence.

## **B. Support, Recovery and Reintegration of Victims**

### *Psychological services*

149. The State Fund provides psychological service for the (statutory) victims of human trafficking. The service includes the following steps: individual and group psychological consultation and rehabilitation for the (statutory) victims of human trafficking, crisis intervention, emotional and psychological support, psychological education, assistance in defining their future perspectives/recovering control over their lives. Group rehabilitation is held once a week or once in 10 days and includes group work for the purpose of raising self-confidence and supporting relationships between the residents of shelter. Forming creative groups, which help the (statutory) victims of human trafficking to express themselves in different activities (painting, knitting, singing, dancing and etc) is one of the forms of group work.
150. The rehabilitation-reintegration program is carried out toward each beneficiary, living at the shelter, taking into consideration the following steps: interviewing beneficiaries and evaluation of their needs, assessment of risk of harm to beneficiaries and developing a security plan, working out a rehabilitation-reintegration plan, planning and ensuring psychological, medical, legal and social services; communication with other organizations and experts and coordination of services, if necessary.

### *Medical Service*

151. The State Fund provides medical service for the (statutory) victims of human trafficking, which includes the identification of health condition, medical needs, medical first aid and emergency services, providing basic medicines.

### *Shelter Services*

152. The State Fund subordinates two shelters for victims of human trafficking: in Batumi (opened in 2006) and in Tbilisi (opened in 2007).
153. The shelters are open for (statutory) victims of human trafficking regardless of their race, skin color, language, sex, religion, political or other opinions, national, ethnic and social affiliation, origin, property or social status, place of residence. The (statutory) victims of human trafficking can be placed at the shelters together with their dependents.
154. The shelter provides the following 24 hour free of charge service for beneficiaries and their dependents:

- a) a safe place to live, suitable for normal existence;
- b) nutrition and clothes;
- c) participation in the programs of integration into families and society;
- d) support minors to access to formal and non-formal education;
- e) all the other activities that promote beneficiaries' complete development, the beneficiaries' personal data and shelter coordinates are kept confidential;
- f) other measures defined by the legislation of Georgia.

155. The services in shelters are also tailored to minors, taking into account their needs views. The Individual rehabilitation-reintegration plan is made for each beneficiary (victim of trafficking). The rehabilitation-reintegration programs are carried out toward each minor victim, living at the shelter, taking into consideration the following steps: interviewing the minor (considering his/her age) and evaluating his/her needs with the participation of a social worker of the Social Service Agency, assessing the risk of harm to minor beneficiary and developing a security plan, working out a rehabilitation-reintegration plan, planning and ensuring psychological, medical, legal and social services.

156. A formal education (school, kindergarten) and support for non-formal education (arts, sports, a choreographic group) are available for the beneficiaries of the shelters.

157. Since 2015, a care taker/nanny for children for children is recruited in the Tbilisi and Batumi shelters. A nanny looks after a minor beneficiary in the shelter and a minor dependent person(s).

158. The State Fund is continuously monitoring the activities of shelters on a regular basis, by the visiting group under the State Fund.

#### *Compensation*

159. Compensation in the amount of 1000 Gel is provided for the (statutory) victims of human trafficking.

#### *Hotline Service*

160. A hotline for the victims of human trafficking is functioning at the State Fund. Anyone can call on the hotline: 2 100 229 and get qualified consultation and information about services of the State Fund. The service is free and anonymous.

#### *Witness and Victim Coordinator's Service*

161. Since 2011, Witness and Victim Coordinator's Service is provided by the Prosecutor's Office. In all trafficking cases, witness and victim coordinators are involved. The aim of their involvement is to gain the trust of the given persons and to

ensure their effective involvement in investigation process taken into consideration the specificities of the case.

162. The functions of witness and the victim coordinator working on trafficking cases are the following:

- To obtain the confidence of the witness/victim/statutory victim based on an individual approach;
- To ensure the prevention of re-victimization of a victim/statutory victim by other participants of the criminal proceedings as much as possible;
- To assess the extent of trauma and its impact on witness/victim/statutory victim, thus to act in accordance with their interests;
- To help the witness/victim/statutory victim of trafficking in recounting the facts of the case to the fullest extent;
- To provide the witness/victim/statutory victim with the information about the available public services (e.g. shelter, psychological and medical aid, etc.);
- To prepare the witness/victim/statutory victim for participating in investigative actions, e.g. interview/interrogation, body identification, investigative experiments and gathering such evidence that is linked to a particular stress;
- To continue supporting the witness/victim/statutory victim during the whole period of investigation and trial proceedings in order that the rights and interests of the witness/victim/statutory victim are duly protected.

### **C. Juvenile Justice Code**

163. On 12 June 2015, the Parliament adopted Georgia's first standalone and specialized Juvenile Justice Code (JJC) based on the UNODC Model Law on Juvenile Convention on the Rights of the Child and other international standards. The new JJC determines the characteristics of the administrative and criminal liability of minors, administrative offence proceedings and criminal procedure involving minors, and special procedures for the execution of sentences and other measures; expands the alternatives to criminal prosecution, such as diversion and mediation, and diversifies the sanctions available to judge to ensure that the detention and imprisonment are used only as the measures of the last resort as derived from the principle of the best interests of the child and other international standards under the UN Convention on the Rights of the Child and relevant international instruments.

164. According to Article 1(2) of the JJC its purposes are to protect the best interests of minors, to re-socialize and rehabilitate minors who are in conflict with the law, to protect the rights of minor victims and witnesses, to prevent the secondary victimization of minor victims and minor witnesses and to avoid the re-victimization of minor victims, and to prevent new crimes and protect public order in the process of administration of justice.

165. Article 3(1) of the JJC defines minor as a minor victim, a minor witness, or a minor in conflict with the law under the age of 18. Minor victim is defined by Article 3 (13) as a minor who has suffered moral or physical injury or damage to property directly resulting from an administrative offence or a crime. For the purposes of administrative liability, a person is considered to be a minor if by the time of committing an administrative offence, he/she has attained the age of 16, but not 18, and for the purposes of criminal liability, if by the time of committing a crime, he/she has attained the age of 14, but not 18.
166. According to Article 4 of the JJC the best interests of minors shall be considered as a priority in juvenile justice procedure.
167. The Juvenile Justice Code provides for the better procedural guarantees for juvenile victim and juvenile witness giving the best interests of the child the utmost importance in every matter.
168. According to the code, to prevent secondary and re-victimization of a juvenile victim/witness, a legal representative and a counsel as well as a psychologist shall attend his/her examination. In order to protect a juvenile witness judge can make a decision to:
- use image or sound substitute equipment, opaque screen or examine witness remotely;
  - examine a juvenile witness before the court hearings and use the video-recording afterwards rather than conduct the examination in the courtroom;
  - close the court hearing in full or in part;
  - remove the accused from the courtroom while examining the juvenile witness.
169. Most importantly, Juvenile Justice Code obligates relevant law enforcer agencies to specialize/train professionals according the Code. Academy of the Ministry of Internal Affairs provides special training course for the professionals dedicated to work with juveniles.
170. The adoption of a new code was preceded by the process for many years aiming at specialization of the justice professionals in the juvenile justice issues. The lawyers underwent trainings on specialization in juvenile justice together with policemen, prosecutors, judges and social workers. Considering the mandate of Legal Aid Service, the focus was made on the specialization of the Service lawyers who work on juvenile cases. In 2014-2015, the public lawyers attended intensive course of trainings on special skills for protection of children in conflict with the law. Currently, a standing group of lawyers with specialization in juvenile justice operates in Legal Aid Service. The members of the group provide defense of persons belonging to the following categories:
- Child accused/convicts/acquitted;

- Accused of 18-21 years of age;
- Child victims;
- Child witnesses (if a witness is registered in the unified database of the socially vulnerable families and meets the insolvency criteria).

### Child-Friendly Environment in Courts

171. Since the 1<sup>st</sup> of July, 2016 in relation to the entry into force of the Juvenile Justice Code the modern infrastructural projects were implemented. Three cells were arranged in the Tbilisi City Court for the placement of juvenile defendants and for the persons charged with administrative infraction. The cells correspond to the international standards, accordingly, they are equipped by bathtubs, surveillance cameras and contemporary air conditioning system.
172. For the purpose of increasing the access to the court for children in civil cases, the judges hearing the cases concerning the Family Law were placed in child-friendly environment, in the separate building of the Tbilisi City Court. The former building of the High School of Justice was arranged and equipped by three courtrooms, five office rooms for Magistrate Judges and the special room for juveniles.
173. The Judge, dealing with the case concerning the family law, social worker and psychologist conduct interviews with children in child-friendly environment according to the international standards. It is planned to conduct trials in the specially designed court building for children not only in the cases involving the civil dispute, but for criminal cases as well. The environment in the Supreme Court is fully adapted to the international standards while hearing the cessation claims on Juvenile cases.
174. The court hearings on criminal cases are being held by specialized judges, involving specialized prosecutors, advocates from legal Aid Service, social workers and psychologists. For successful practical implementation of the Code, in 2015-2016 years about 212 judges passed certified training-courses, which were conducted with the participation of international experts by the support of the Unicef and EU under the joint programme “Support to the Reform of the Criminal Justice System in Georgia”.
175. The total number of juvenile prisoners compared to 2011 year, in which it comprised of 4%, in 2016 year the data was decreased by 0,9% ( in 2015 – by 2%). The types of punishment by the Courts for Juvenile Defendants were also changed: where in 2015 imprisonment was used for about 87 juveniles, in 2016 – only 43 juveniles charged with grave crime were imprisoned. Notably, for Juveniles in the age category of 14-16 years the term of imprisonment should not exceed 10 years, in case of juveniles in the age category of 16-18 years the maximum is 12 years.<sup>1</sup> The special attention is given to the Diversion institute for the juveniles in the Courts: In 2016 about 105 Juvenile cases in

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<sup>1</sup> Juvenile Justice Code, article 73

the age category of 14-21 years were returned to the Prosecutor's office for the purpose of the Diversion (in which about 32 juveniles were in the age category of 14-17 years). This trend clearly shows that due to the best interests of child the more importance is given to the juvenile rehabilitation programmes.<sup>2</sup>

176. The implementation of the Code in practice undergoes the number of multidiscipline meetings and the monitoring of court Judgments. According to the reports, as a result of the generalization of the court practice, meetings are held in scientific-consulting council format on legislative amendments. It is planned to close cooperation with the Parliament and the Ministry of Justice on necessary legislative amendments. The multidiscipline meetings are supported by the Unicef.

#### New forms introduced in the courts

177. After the enactment of the Juvenile Justice Code, new reporting forms were introduced in the Georgian courts in parallel of the previous statistical reporting forms on convicted juveniles. These forms began to use from January 2017.

178. In particular, in the regional / city courts:

- Form N 7-b - data on the use of preventive measures against juveniles, in which are recorded information about a minor's age, sex, requested and applied types of coercive measures according to the main articles of crime and other;
- Form N 1-b – data about the juvenile accused, convicted, witnesses and victims in Criminal cases, such as information in the form is given about age and gender;
- Form N11-a – data about the juvenile administrative offender, about the witness, about the victim - information is recorded by age and gender, as well as are given data on the administrative penalties used toward the juvenile offender in accordance of the provisions of the Administrative Offences Code;
- Form N 8-d - data about the participation of a juvenile in civil cases, where, in accordance of the types of dispute, underage persons are recorded in respect of their status (plaintiff, defendant, witness). Information in the form is given from age and gender perspective;

179. All information provided in the form are about the participation of a legal representative, a psychologist and a lawyer in a trial. In addition to this, in courts are operated forms on accused juveniles (Form N 6), which provides detailed information on convicted juveniles. Similar methods are introduced in the appellate courts to review the results. The Supreme Court receives and processes information from the courts in electronic format through the Excel- spreadsheets. Currently, the work is going with regard to the electronically registration information on the participation of juveniles in the Supreme Court trials. These forms are in accordance with the UNICEF indicators.

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<sup>2</sup> Statistical information, which represents the preliminary data of 2016

### Child Violence Referral Mechanism

180. In order to protect children from any type of violence and properly response to violence, on 12 September 2016 the Government of Georgia issued a governmental decree on Child Protection Referral Mechanism. The latter expanded the responsible entities for referring child violence cases to the relevant agencies. In particular, all governmental institutions and their structural units, LEPLs, medical institutions and local municipalities has become obliged to refer the possible case of child violence to the Social Service Agency and the police.

181. Furthermore, the Document has strengthened the role of social worker while separating the child from the violent environment. In particular, besides to the police, the social worker has also been granted the authorization to assess whether a child is the victim of any type of violence and make a decision to remove the child from family or environment where the violence was committed.

## **V. International Assistance and Cooperation (Art. 10)**

### **A. International treaties**

182. Georgia is the member state to the following international legal instruments, which regulate the issues related to child pornography and child sexual abuse:

- Council of Europe Convention on Action against Trafficking in Human Beings;
- United Nations Convention against Transnational Organized Crime and its Supplementary Protocol: to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography;
- Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention);
- Council of Europe Convention of Cybercrime.

183. In order to fulfill the international and regional commitments the THB Council, as the main policymaking body in the field of combating human trafficking takes particular ensures to promote implementation of the above-mentioned treaties. In this regard, the THB Council in cooperation with other members of the Council prepares periodic reports for the international organizations (CoE, UN, EU, OSCE) and the US Embassy on the activities conducted by the Government of Georgia in terms of combating human trafficking.

184. It should be underlined that Georgian authorities appreciate the external evaluation of the reforms implemented in terms of fight against human trafficking and recommendations given by the international organizations for further developing Georgian counter-trafficking policy.
185. As a result of refinement of Georgian A-TIP policy Georgia is in Tier 1 according to the 2016 US Report on Trafficking in Persons and takes the top place among other western countries and EU Member States.
186. Furthermore, the Group of Experts against Trafficking in Human Beings (GRETA) has positively assessed Georgia's counter-trafficking measures in its second evaluation report issued on June 3, 2016.
187. According to Global Slavery Index 2016, the Government of Georgia is placed among those authorities that are taking the most actions to end human trafficking. Georgia takes 2nd place in terms of world GDP and 17th position out of 167 countries. When it comes to the regional level according to the same source Georgia is ranked 1st in terms of strong counter governmental responses.
188. In the beginning of 2013, the Ministry of Internal Affairs of Georgia elaborated the draft Law of Georgia on "International Law Enforcement Cooperation" for the implementation of efficient international cooperation in the field of prevention, detection, and suppression of crimes, including TIP-related crimes, on the basis of international treaties, principle of reciprocity and ad hoc decision made by the head or deputy head of respective law enforcement agency of Georgia. The law was adopted by the Parliament of Georgia on 4 October 2013. This law also aims to fully implement the obligations regarding international law enforcement cooperation arising from the relevant bilateral and multilateral international treaties of Georgia. This law enhances international cooperation capacities of Georgian law enforcement agencies to tackle TIP-related crimes. The Law was assessed by EU expert mission organized within TAIEX as an outstanding legal document. The types of cooperation envisaged by the Law are the following: requesting, providing and exchanging the information; search for persons and items for the establishment of their whereabouts; controlled delivery; setting up joint crime detection teams; deployment of an undercover officer; cross-border observations; protection of criminal case participants (witness protection); covert gathering of criminal intelligence information; non-operative forms of cooperation.

## **B. Enhancement of Bilateral and Regional Cooperation**

189. In 2013, the main division for cooperation in the fight against international crime and for coordination of the activities of Georgian Ministry of Internal Affairs representatives/police attachés and liaison officers abroad – International Criminal



Cooperation Center (ICCC), was created within MIA Central Criminal Police Department.

190. The main functions of the Center are to represent Ministry of Internal Affairs at international organizations and in foreign states through seconded representatives/police attachés and liaison officers, to conduct cooperation with foreign counterparts at operative level, including to implement the relevant provisions of international cooperation agreements and of the Law of Georgia “On International Law Enforcement Cooperation”, concerning operative field of cooperation.
191. As of 1 December 2014, the functions of the Center have been expanded to cover the regional cooperation within the framework of GUAM, BSEC and SELEC. In terms of police cooperation through GUAM National Law Enforcement, ICCC is equipped with appropriate technical means, which enables the rapid exchange of information through protected channels, direct communication during joint operations, holding video conferences in online regime and facilitating the detection of criminal cases within the shortest possible time.
192. Police attaché cooperation was greatly enhanced in recent years. The forms of cooperation are: exchange of relevant information (including criminal intelligence information), best practices, statistics, joint measures, adoption and implementation of annual assistance/cooperation plans, trainings, study visits and etc. The Ministry has already deployed police attachés to the following 13 countries: Armenia, Austria, Azerbaijan, Belarus, France, Greece, Germany, Italy, Poland, Spain, Sweden, Turkey and Ukraine. After entry into force of operational and strategic cooperation agreement with Europol, Georgia will deploy its liaison officer to EUROPOL Headquarters in Hague (most probably in 2017).
193. The development of police attaché cooperation:
  - In the years of 2005-2013 – only 4 police attachés were deployed respectively in Armenia, Austria, Azerbaijan and Ukraine;
  - In 2014 – 4 more police attachés were deployed respectively in Belarus, France, Greece and Turkey;
  - In 2015 – 3 more police attachés were deployed respectively in Germany, Poland (covering also Estonia, Latvia and Lithuania) and Spain;
  - In 2016 – 2 more police attachés were deployed respectively in Italy and Sweden;
  - In 2017 – a liaison officer will be deployed to EUROPOL Headquarters in Hague.

- Furthermore, police/security attachés of Armenia, Austria, Azerbaijan, France, Greece, Latvia, Turkey, Ukraine and the USA are deployed in Georgia, while police/security attachés of Belarus, Belgium, Czech Republic, Germany, Israel, Italy, Netherlands, Spain and UK cover Georgia from third countries.

#### *Cooperation within the framework of Working Groups*

194. The Sixth Joint Commission Meeting, established in accordance with the Article 19 of the Agreement between the Government of Georgia and the Government of the Republic of Turkey on Cooperation in the Field of Security, was held on 6-8 May 2015 in Tbilisi, Georgia.
195. Parties to the meeting exchanged relevant information on TIP-related cases, underlined the effectiveness of their cooperation being enhanced to a greater extent in recent years and committed themselves to maintain and strengthen the already achieved level of cooperation.
196. Working group meeting was held in Tbilisi in June 2014 with the Federal Criminal Police representatives of Germany. Among other issues, parties also discussed TIP-related issues and exchanged relevant information on cases of mutual interest.
197. Working group meeting was held in Tbilisi in June 2014 with the Criminal Police representatives of Austria. Among other issues, parties also discussed TIP-related issues and exchanged relevant information on cases of mutual interest.
198. Moreover, in autumn 2014 the Ministry of Internal Affairs of Georgia initiated organize of working group meetings with the law enforcement agencies of all relevant EU member states. To this aim, official letters signed by the Minister of Internal Affairs of Georgia were sent to these law enforcement agencies.
199. In addition to Georgian-Austrian and Georgian-German working groups, such working groups were already established between Georgian and Swedish, Finnish and Danish (March 2015), Georgian and Romanian (March 2015), Georgian and Slovenian (April 2015), Georgian and Italian (May 2015) and Georgian and Greek (June 2016) criminal police representatives.
200. Currently, organizational issues are being agreed to create such working groups with Belgium, Bulgaria, France, Croatia, Spain, Cyprus, Slovakia and Poland.

## **VII. Data**

201. The Secretariat of the Inter-agency Council on Combating Trafficking in Human Beings which operates under the Ministry of Justice of Georgia integrated the existing data into the single database which consists of the following sections:

- 1) Information on alleged perpetrators (prosecuted persons and convicted traffickers) – number, citizenship, age, sex from 2010 to 2016 (October 10, 2016);
- 2) Information on the human trafficking cases – number of investigations, prosecutions, cases sent to the court and convictions segregated by forms of exploitation from 2010 to 2016 (October 10, 2016);
- 3) Information on THB (Trafficking in Human Beings) statutory victims (status granted by the law enforcement under Criminal Procedure Code of Georgia) – citizenship, sex, age, type of exploitation, country where the person was exploited, the type of service provided from the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter, compensation) from 2010 to 2016 (October 10, 2016);
- 4) Information on THB victims (status granted by the permanent group under inter-agency council, when the person does not want to cooperate with the law enforcement) – citizenship, sex, age, type of exploitation, country where the person was exploited, the type of service provided from the State Fund (legal consultation, court representation, medical service, psychological assistance, shelter, compensation) from 2010 to 2016 (October 10, 2016);
- 5) Police Cooperation and cooperation within the framework of mutual legal assistance on criminal matters – statistics segregated by number and countries of incoming and outgoing MLA (Mutual Legal Assistance) and extradition requests, statistics segregated in number, countries and form of exploitation of outgoing police cooperation requests in 2010-2016 (October 10, 2016);

a) The number of child victims of trafficking

<b>Year</b>	<b>citizenship</b>	<b>sex</b>	<b>Form of exploitation</b>	<b>Age</b>	<b>Destination country of exploitation</b>
2013	Georgia	female	sexual	12	Georgia
2014	Kirgizstan	female	Sexual	17	Georgia
2015	Georgia	female	buying and selling of minor	infant	Georgia
	Georgia	female	buying and selling of minor	infant	Georgia

b) The number of Police Cooperation on Human Trafficking cases

Year	Country	Form of exploitation	Number
2013	Turkey	Labor exploitation	2
	Turkey	Sexual exploitation	1
	Israel, Australia and USA	Sexual exploitation	1
2014	Turkey	Labor exploitation	5
	Turkey	Sexual exploitation	1
2015	Turkey	Labor exploitation	1
	Turkey	Sexual exploitation	2
	Moldova	Sexual exploitation	1
2016	Turkey	Labor exploitation	1
	Turkey	Labor exploitation	1

c) Number of mutual legal assistance and extraditions on trafficking cases

202. In 2013, 4 mutual legal assistance requests were submitted from Israel (both incoming and outgoing) and Turkey (outgoing) and 1 person was extradited to Turkey (incoming);

203. In 2014, 5 mutual legal assistance requests came from Turkey and Uzbekistan and 2 extradition motions from Turkey and the Netherlands;

204. In 2015, 8 mutual legal assistance requests came from Turkey, Azerbaijan and Uzbekistan and 1 extradition request from Moldova;

205. In 2016, 8 mutual legal assistance requests were submitted from Turkey out of which 2 are pending and 6 are finished and 2 mutual legal assistance requests were sent from Georgia to Latvia (finished) and to Turkey (pending). There was no extradition case as of October 2016.

**Statistical data for the past four years on Investigations, Prosecutions and Convictions of THB cases**

		2013	2014	2015	2016
Investigation	Sexual exploitation	1	2	0	0
	Labor exploitation	2	0	1	1
	Buying/selling of Children	0	0	1	1
Prosecution	Sexual exploitation	2	1	0	0
	Labor exploitation	0	0	0	0
	Buying/selling of Children	0	0	3	0
Conviction	Sexual exploitation	0	1	1	0
	Labor exploitation	0	0	0	0
	Buying/selling of Children	0	0	0	1
Convicted persons	Sexual exploitation	0	2	1	0
	Labor exploitation	0	0	0	0
	Buying/selling of Children	0	0	0	3

#### **Statistics on minor victims/statutory victims**

Year	Citizenship	Sex	Form of exploitation	Age	Destination country of exploitation
2013	Georgia	female	sexual	12	Georgia
2014	Kirgizstan	female	Sexual	17	Georgia
2015	Georgia	female	buying and selling of minor	2 infants	Georgia

#### **Shelter for victims of human trafficking in Tbilisi**

206. Beneficiary – female, 12-year, Georgian, citizen of Georgia, minor victim of sexual exploitation (Nature of offence-child pornography - photographs and video were spread in the Internet sites). The minor victim was placed at the shelter of the State Fund for

the purpose of protection, assistance and rehabilitation. She lived there for 9 months and received the following services:

Psychological assistance: private consultation and rehabilitation.

Legal assistance: a psychologist of the shelter was involved in the investigation process. In addition, the state fund prepared all the documents necessary for assigning a guardian.

Medical assistance: the health condition of the minor was identified; the medical needs and medicines were provided to her.

Assistance in social problems solution: after leaving the shelter the minor was transferred to the guardian's place. The state fund helped her to get non-formal education in shelter which assisted her to enter school at the appropriate stage class. Beneficiary has been provided with compensation.

### ***Child Abduction Statistics***

<i><b>Year</b></i>	<i><b>Citizenship</b></i>	<i><b>Sex</b></i>	<i><b>Form of Application</b></i>	<i><b>Age</b></i>	<i><b>Country of the Child Location</b></i>
<b>2013</b>	Georgia	Female	Outgoing	9	Italy
<b>2013</b>	Georgia	Female	Outgoing	9	Latvia
<b>2014</b>	Georgia/Germany	Female	Incoming	6	Georgia
<b>2014</b>	Greece	Male	Incoming	4	Georgia
<b>2014</b>	Georgia/Netherlands	Male	Incoming	12	Georgia
<b>2015</b>	Georgia/Canada	Male	Incoming	3	Georgia
<b>2015</b>	Georgia	Female	Outgoing	4	Israel
<b>2015</b>	Georgia	Female and Male	Incoming	2 and 4	Georgia
<b>2015</b>	Armenia	Two Females	Incoming	7 and 10	Georgia
<b>2015</b>	Ukraine	Male	Incoming	3	Georgia
<b>2015</b>	Georgia	Three Males	Incoming	4,8 and 10	Georgia
<b>2015</b>	Georgia	Female	Outgoing	3	Turkey
<b>2015</b>	Georgia	Male	Outgoing	10	Turkey/France
<b>2016</b>	Georgia	Female	Outgoing	4	Turkey
<b>2016</b>	Georgia	Male	Outgoing	10	Germany
<b>2016</b>	Germany	Female	Incoming	4	Georgia
<b>2016</b>	Ukraine	Male	Outgoing	6	Georgia
<b>2016</b>	Georgia	Female	Outgoing	4	Turkey
<b>2016</b>	Turkey	Male	Incoming	5	Georgia
<b>2016</b>	Georgia	Female	Incoming	9	Georgia
<b>2016</b>	Estonia/USA	Five Females	Incoming	2, 3, 9, 10 and 13	Georgia