

On Combating Human Trafficking

Chapter I - General Provisions

**Article 1 – Scope of the Law**

This Law defines legal and organisational grounds for preventing and combating human trafficking, powers and obligations of state bodies, officials and legal persons in taking measures against human trafficking, and the procedures for coordination of their activities, as well as the legal status of victims of human trafficking and guarantees of their social and legal protection in Georgia.

**Article 2 – Purpose of the Law**

This Law aims to:

- a) facilitate the prevention and combating of human trafficking by protecting the rights of its victims;
- b) protect, support and rehabilitate victims of human trafficking;
- c) define specific procedures for the institution of criminal prosecution against the crime of human trafficking;
- d) define principles for cooperation between the state bodies, international organisations and legal persons for preventing and combating human trafficking, and for protection, support and rehabilitation of victims of human trafficking.

**Article 3 – Definition of terms**

For the purpose of this Law, the terms shall have the following meanings:

- a) human trafficking – crimes under Article 143<sup>1</sup> and Article 143<sup>2</sup> of the Criminal Code of Georgia. The consent of a victim of human trafficking to his/her deliberate exploitation shall be of no importance;
- b) blackmail – coercion of a person to perform or not to perform actions by threatening to disclose any disgraceful or other harmful information about the person or his/her relatives;
- c) helpless state – a state when a person is materially or otherwise dependent on another person; when a person is not able to realistically assess the existing situation due to his/her physical or mental defect; and when a person has no option other than to obey violence used against him/her;
- d) exploitation – actions of a criminal directed to gaining material or other benefits by:
  - d.a) coercion of a person into working or providing services;
  - d.b) coercion of a person into providing sexual services;
  - d.c) involvement of a person in criminal activities, prostitution, pornography or other anti-social actions;
  - d.d) forcible or fraudulent removal, transplantation or other use of a human organ, a part of an organ or a tissue;
  - d.e) placing of a person into a state similar to slavery, or into contemporary conditions of slavery;
- e) coercive labour – any work or service associated with physical or mental coercion, use of threat, and blackmail against a person, or by abusing his/her helpless state;
- f) sexual exploitation – involvement of a person in prostitution, other sexual services or production of pornographic materials by using threat, violence, coercion, blackmail against him/her or abusing his/her helpless state; by using official status, or through providing false information about the nature and conditions of the job offered;
- g) condition similar to slavery – a status or state of a person which is defined under the United Nations Supplementary Convention of 7 September 1956 on the Abolishment of Slavery, Slave Trade and the Institutions and Customs that are Similar to Slavery;
- h) exposure of a person to contemporary conditions of slavery – creating the conditions for a person when he/she works or provides services for a payment, inadequate payment or free of charge for the benefit of another person, and when this person has no ability to change these conditions due to his/her dependence on that person. Dependence on a person may be caused *inter alia* by:
  - h.a) depriving a person of his/her identification documents, controlling or intentional trespassing on the person;
  - h.b) restricting the right to free movement or controlling free movement;



h.c) restricting or controlling communication, with family members or other persons, including correspondence and phone contact;

h.d) creating a coercive or intimidating environment;

i) human trafficker – a natural or legal person, or a group of persons who commit a crime under Article 143<sup>1</sup> and Article 143<sup>2</sup> of the Criminal Code of Georgia;

j) victim of human trafficking – a person who has suffered moral, physical, or property damage as a result of the crime of human trafficking, and who, as determined by the legislation of Georgia, has been recognised as a victim of human trafficking by the Standing Task Group established under the auspices of the Interagency Coordination Council for implementing measures against human trafficking;

k) country of origin – the country of which a victim of human trafficking is a citizen or permanent resident;

l) country of destination – the country in which a victim of human trafficking is exploited;

m) country of transit – a country through which human trafficking is carried out;

n) service agency (asylum) for victims of human trafficking – a legal person established under the legislation of Georgia, which is intended to provide asylum, and legal, psychological, medical and/or other services to victims of human trafficking for protection of their lawful rights and interests, and for their rehabilitation and full reintegration into their families and society;

o) affected person – a person recognised as an affected person in a crime under Article 143<sup>1</sup> and Article 143<sup>2</sup> of the Criminal Code of Georgia, as determined by the Criminal Procedure Code of Georgia;

p) minor – a person who is not more than 18 years of age.

*Law of Georgia No 6012 of 10 April 2012 – website, 30.4.2012*

*Law of Georgia No 2474 of 29 May 2014 – website, 4.6.2014*

#### **Article 4 – State policy of Georgia in combating of human trafficking**

1. The state policy of Georgia in preventing and combating human trafficking, and in protection, support and rehabilitation of victims and persons affected by human trafficking shall be defined in compliance with the commitments under the Constitution of Georgia and treaties and international agreements of Georgia in combating of transnational organised crime and corruption, and the protection of human rights.

2. The state shall promote prevention of human trafficking, protection of human rights of victims and persons affected by human trafficking, their support and rehabilitation, and shall implement measures against human trafficking.

3. State bodies that are involved in preventing and combating human trafficking, in protection, support and rehabilitation of victims and persons affected by human trafficking, shall be guided by the Constitution of Georgia, treaties and international agreements of Georgia, this Law and other appropriate normative acts.

### **Chapter II - Mechanisms for Preventing Human Trafficking and the Authority of the State Bodies in Preventing Human Trafficking**

#### **Article 5 – Mechanisms for prevention of human trafficking**

1. Mechanisms for the prevention of human trafficking shall be a combination of the organisational, legal, research, educational, informational and socio-economic measures that aim to reduce, prevent and suppress human trafficking.

2. Activities of the state to prevent human trafficking shall imply:

a) preparation and implementation of short- and long-term programmes to reduce poverty, underdevelopment, unemployment and unequal access to opportunities, and to eliminate all forms of discrimination;

b) analysis and assessment of the causes of human trafficking;

c) investigation of the forms and the extent of the spread of human trafficking, and data collection for the developing efficient preventive measures;

d) full-fledged legal regulation of migration, and implementation of measures facilitating legal labour migration;

e) reduction of the threat of illicit labour migration and human trafficking by conducting informational and educational campaigns, including by setting up 'hot lines' at appropriate state agencies; by developing educational programmes for the wider public, providing Georgian passport and visa agencies, border check points and diplomatic missions and consular offices of Georgia abroad with informational materials on legal labour for citizens of Georgia and on prevention of human trafficking, as well as on centres for protection, support and rehabilitation of victims and persons affected by human trafficking abroad;

f) inclusion of topics related to human trafficking into the curricula of general education institutions (schools) and higher education institutions;

g) arrangement and conduct of special training courses or workshops for public officials that are involved in implementation of measures to prevent and combat human trafficking, to protect, support and rehabilitate victims and persons affected by human trafficking;



h) measures against all factors that facilitate human exploitation.

*Law of Georgia No 6439 of 12 June 2012 – website, 22.6.2012*

#### **Article 6 – Authority of state bodies in preventing human trafficking**

1. State bodies facilitating the prevention of human trafficking shall provide conditions for prevention and suppression of human trafficking, shall improve legal and economic environments for potential risk groups related to this crime, and shall carry out appropriate informational and educational campaigns.

1<sup>1</sup>. A competent agency of the Ministry of Labour, Health and Social Affairs of Georgia, within the scope of its authority, shall ensure the conduct of state supervision for preventing and responding to forced labour and labour exploitation in accordance with the procedure approved by the Government of Georgia.

2. The State Agency for Social Assistance and Employment shall, within the scope of its authority, ensure that information on vacancies within and outside Georgia is obtained and made available to the public; that mediation attempts are carried out to assist job seekers to get employment. The Agency shall also ensure development and implementation of proper projects for the employment of the unemployed.

3. An authorised executive body in the management of tourism and resorts shall, within the scope of its authority, develop a programme for protection and safety of tourists and holidaymakers, and shall coordinate its implementation.

4. The Ministry for Education and Science of Georgia shall, within the scope of its authority, ensure inclusion of topics related to human trafficking into the curricula of general education institutions (schools) and higher education institutions.

5. The Ministry for Foreign Affairs of Georgia shall, within the scope of its authority, control the issuance of identity certificates to return to Georgia and Georgian visas to citizens of Georgia; to provide citizens of Georgia and persons permanently residing in Georgia with jobs outside Georgia, the Ministry shall ensure that negotiations for concluding appropriate bilateral and multilateral agreements are conducted with foreign countries, as determined by the legislation of Georgia; and to provide legal assistance to citizens of Georgia staying outside Georgia and to persons permanently residing in Georgia, the Ministry shall, as determined under the legislation of Georgia, define persons at diplomatic missions or consular offices of Georgia abroad working on human trafficking issues.

6. To ensure detection of participants in the crime of human trafficking and registration of their entry into and exit from Georgia, the Ministry for Internal Affairs of Georgia shall, within the scope of its authority, monitor the passage of persons across the state borders of Georgia, and the operations of border check points; the ministry shall also cooperate with appropriate foreign law enforcement bodies, shall study and analyse causes of crimes of human trafficking, and shall take preventive measures for their elimination.

7. State bodies shall ensure implementation of measures under this article, and for this purpose, they shall cooperate with international organisations, non-entrepreneurial legal persons conducting activities in Georgia, and other institutions of civil society.

*Law of Georgia No 6439 of 12 June 2012 – website, 22.6.2012*

*Law of Georgia No 4085 of 22 July 2015 – website, 31.7.2015*

### **Chapter III - Mechanisms for Combating Human Trafficking**

#### **Article 7 – The scope of authority of state bodies in combating human trafficking**

1. Mechanisms for combating human trafficking shall be a combination of measures to ensure detection and solution of this crime, identification and detention of criminals, institution of criminal prosecution against and application of punishments, as well as measures necessary to provide legal protection and assistance to victims and persons affected by human trafficking.

2. State bodies that combat human trafficking shall ensure implementation of preventive measures for prevention, detection and suppression of this crime; identification, detention and institution of criminal prosecution under the legislation of Georgia against persons accused of committing the crime.

3. State bodies that combat human trafficking and protect victims and persons affected by human trafficking shall develop mandatory guidelines and provide special training courses or workshops to their personnel on specifics of identification and treatment of victims of human trafficking and conducting of human trafficking proceedings.

4. The Ministry for Internal Affairs of Georgia shall, within the scope of its authority, ensure that criminal intelligence and investigative activities in the crime of human trafficking are carried out, personal protection of victims and persons affected by and witnesses of human trafficking is secured, and a unified databank is created. The Ministry shall also cooperate with appropriate state bodies to facilitate the development and implementation of measures to combat human trafficking.

5. The Public Prosecutor's Office of Georgia shall, within the scope of its authority, conduct criminal prosecution of human trafficking cases, and support the state prosecution in court.

6. To efficiently combat human trafficking, a standing task force for combating human trafficking shall be established under the auspices of the Ministry for Internal Affairs of Georgia with participation of representatives from the Public Prosecutor's Office and other appropriate state bodies of Georgia. The task force shall coordinate criminal intelligence and investigative activities against human trafficking throughout the country. The standing task force for combating human trafficking shall be entitled to obtain any information on human trafficking issues directly from appropriate state bodies,



including diplomatic missions and consular offices of Georgia abroad.

7. A competent agency of the Ministry of Labour, Health and Social Affairs of Georgia shall check the working conditions in order to prevent and respond to forced labour and labour exploitation and shall apply to an investigative body if any signs of human trafficking are detected.

*Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332*

*Law of Georgia No 6439 of 12 June 2012 – website, 22.6.2012*

*Law of Georgia No 4085 of 22 July 2015 – website, 31.7.2015*

#### **Article 8 – Unified databank**

1. To identify human traffickers and systematise available information on them, a unified databank shall be established within the Ministry for Internal Affairs of Georgia as determined under the legislation of Georgia. The databank shall contain information obtained as a result of criminal intelligence activities, investigation and judicial examination conducted in relation to the crime of human trafficking, and/or information received from the International Criminal Police (INTERPOL) and other appropriate organisations.

2. The Minister for Internal Affairs of Georgia shall approve procedures for establishment of the unified databank, types and content of information to be entered into the databank, as well as the list of persons that have access to the respective information.

3. The information entered into the unified databank shall be confidential. The information shall be accessed and issued as determined by the legislation of Georgia for accessing and issuing confidential information.

4. Unauthorised disclosure of information contained in the unified databank shall be punishable under law.

*Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332*

#### **Article 9 – The State Fund for Protection and Support of Victims and Persons Affected by Human Trafficking**

1. To efficiently carry out activities to protect, support and rehabilitate victims and persons affected by human trafficking, the Legal Entity under Public Law (LEPL) – the State Fund for Protection and Support of Victims and Persons Affected by Human Trafficking (‘the Fund’) shall be established.

2. The Ministry for Labour, Health and Social Affairs of Georgia shall exercise state control over the Fund.

3. The Director of the Fund shall manage the Fund. The Prime Minister of Georgia shall appoint and dismiss the Director of the Fund.

4. To coordinate Fund activities, a Supervisory Board shall be established composed of representatives of state agencies, representatives of non-entrepreneurial legal persons conducting activities in a respective field, and of international organisations, as well as specialists and scientists of the same field.

5. The structure and rules of procedure of the Fund shall be defined under Regulations approved by the Government of Georgia upon recommendation of the Director of the Fund.

6. The purpose of the Fund shall be payment of compensations to victims and persons affected by human trafficking, and funding of activities for their protection, support and rehabilitation.

7. Sources of the Fund’s revenue shall be:

- a) state budgetary resources
- b) resources from international organisations
- c) contributions from legal and natural persons
- d) other revenue as permitted under the legislation of Georgia.

*Law of Georgia No 1268 of 20 September 2013 – website, 8.10.2013*

#### **Article 10 – Interagency Coordination Council for implementation of measures against human trafficking**

1. To facilitate efficient implementation of certain functions by appropriate state bodies in prevention and combating of human trafficking, in protection, support and rehabilitation of victims and persons affected by human trafficking, and to coordinate and monitor activities of the state bodies, the Government of Georgia shall establish the Interagency Coordination Council for Implementation of Measures against Human Trafficking.

2. In addition to representatives of state agencies, the Coordination Council may be composed of representatives of non-entrepreneurial legal persons conducting activities in the respective field, of international organisations and mass media, as well as specialists and scientists of the same field.

3. The Government of Georgia shall define and approve the procedures for establishment of the Coordination Council, for nomination to and removal of persons from the Coordination Council, for its composition and rules of procedure (Statute).



## Chapter IV - Legal Protection, Support and Rehabilitation of Victims and Persons Affected by Human Trafficking

### Article 11 – Status of victims of human trafficking

1. The Standing Task Force established under the auspices of the Coordination Council shall decide to grant the status of a victim of human trafficking no later than 48 hours after a person applies to the service agency (asylum) for victims of human trafficking, or to an appropriate agency. The Coordination Council shall define the composition, rules of procedure and powers of the Standing Task Force.
2. If a person is granted the status of a victim of human trafficking, he/she shall have the right to apply to the service agency (asylum) for victims of human trafficking, and enjoy the rights under this Chapter.
3. The status of a victim of human trafficking shall not serve as a ground for creation of rights and obligations under the Criminal Procedure Code of Georgia for an affected person or other participant to proceedings.
4. Provisions under this chapter shall apply to citizens of Georgia and to persons having the status of stateless person in Georgia that have been recognised as victims of human trafficking in another state.

Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012

### Article 12 – Time for reflection

1. A victim of human trafficking shall have the right to use the time for reflection of at least 30 days to decide whether he/she is willing to cooperate with law enforcement bodies in criminal proceedings related to a respective crime.
2. The time for reflection shall commence from the date when a person applies to the service agency (asylum) for victims of human trafficking, to a law enforcement body or an appropriate agency.
3. A victim of human trafficking shall be discharged from liability under Article 371 of the Criminal Code of Georgia during the time for reflection.

### Article 13 – Specifics of criminal proceedings in the crime of human trafficking

1. Criminal proceedings for the crime of human trafficking shall be conducted under the Criminal Procedure Code and other legislative acts of Georgia.
2. On application of a prosecutor, a victim or his/her representative, a closed hearing of the court on the crime of human trafficking may be held by court (judge) order (ruling).
3. Special protective measures may be applied to the crime of human trafficking, as determined under the Criminal Procedure Code of Georgia.
4. Criminal liability under the legislation of Georgia shall be imposed against a human trafficker legal person.
5. A human trafficker may be deprived of property obtained by crime under the legislation of Georgia.
6. Before, during and after criminal proceedings for the crime of human trafficking, measures under this Law to protect, support and rehabilitate victims and persons affected by human trafficking shall be implemented.

### Article 14 – Legal protection of victims and persons affected by human trafficking

1. Access to justice shall be guaranteed to victims and persons affected by human trafficking, as determined under the legislation of Georgia.
2. Law enforcement bodies shall be obliged to immediately explain to victims and persons affected by human trafficking their right to apply to the service agency (asylum) for victims of human trafficking.
3. Law enforcement bodies and the service agency (asylum) for victims of human trafficking shall be obliged to provide victims of human trafficking with full information on the legislation of Georgia with respect to human trafficking.
4. An investigator, prosecutor and judge shall be obliged to provide an affected person with information on his/her rights, obligations and legal status, as well as with information on other issues regarding the progress of investigation and judicial proceedings in his/her native or other language he/she understands.
5. During criminal proceedings, the state shall provide an affected person with legal counsel and an interpreter, as well as with documents and materials on the criminal proceeding in his/her native or other language he/she understands.
6. The service agency (asylum) for victims of human trafficking or other natural or legal persons that are duly authorised under this Law may provide free legal assistance and legal representation to victims and persons affected by human trafficking as determined under the legislation of Georgia.



7. Affected persons and witnesses, as well as persons providing legal protection and assistance to them, shall have the right to request, at any time, a guarantee of their personal protection and personal protection of their family members, as determined under the legislation of Georgia.

8. The identity, addresses and other personal data of victims, affected persons and witnesses of human trafficking shall be confidential information that may not be disclosed, except as provided for by law.

9. By request of affected persons, witnesses or their legal representatives, special protective measures may be taken as determined under the Criminal Procedure Code of Georgia.

#### **Article 15 – Discharging victims and persons affected by human trafficking from liability**

1. Victims and persons affected by human trafficking shall be discharged from liability for committing actions under Article 344 and Article 362 of the Criminal Code of Georgia and Article 172<sup>3</sup> and Article 185 of the Code of Administrative Offences of Georgia. Nor shall they be held liable for participating in illegal acts, if they had to behave so because of their being victims or persons affected by human trafficking.

2. Provisions of the first paragraph of this article shall apply to offences committed by persons because of their being victims or persons affected by human trafficking before they were granted the status of victims or persons affected by human trafficking.

#### **Article 16 – Right of victims and persons affected by human trafficking to reimbursement for damages caused by the crime of human trafficking**

1. Victims and persons affected by human trafficking shall have the right to request reimbursement for moral, physical or property damages incurred due to the crime of human trafficking, under the civil procedure and criminal procedure legislation of Georgia.

2. If victims and persons affected by human trafficking cannot be reimbursed for damages under the first paragraph of this article, compensation from the Fund shall be paid to them under the legislation of Georgia.

#### **Article 17 – Authority of state bodies in protection, support and rehabilitation of victims and persons affected by human trafficking**

1. Protection, support, rehabilitation and reintegration of victims and persons affected by human trafficking shall include a combination of legal, social and organisational measures that ensure:

a) the institution of criminal prosecution against the crime of human trafficking by fully respecting the honour and dignity of victims and persons affected by human trafficking, and protecting their personal privacy and security.

b) the inadmissibility of discrimination against victims and persons affected by human trafficking;

c) the development of efficient mechanisms for reimbursing damages to victims and persons affected by human trafficking incurred due to the crime of human trafficking;

d) the facilitation of full rehabilitation of victims and persons affected by human trafficking and their reintegration into their families and society;

e) the provision of victims and persons affected by human trafficking with full information on their rights and on mechanisms under the legislation of Georgia to protect these rights.

2. State bodies providing protection, support, rehabilitation and reintegration to victims and persons affected by human trafficking shall, under this Law and other legislative acts, cooperate with international organisations, non-entrepreneurial legal persons conducting activities in Georgia, and other institutions of civil society to provide legal protection and support to victims and persons affected by human trafficking; to ensure full secrecy of personal data of victims, affected persons and witnesses of human trafficking; to ensure protection of their personal security and privacy; to ensure their safe repatriation and medical and psychological rehabilitation, and development and implementation of programmes and mechanisms for reimbursement of physical, moral or property damages incurred due to the crime of human trafficking.

#### **Article 18 – Mechanisms for support and rehabilitation of victims and persons affected by human trafficking**

1. By consent of victims of human trafficking, the state shall provide them with accommodation at a secure lodging appropriate for decent living – at the service agency (asylum) for victims of human trafficking.

2. Affected persons may not be accommodated at places of detention and penitentiary institutions, or confinement facilities, except as exclusively provided for by law and except when they can be accommodated separately from others.

3. The service agency (asylum) for victims of human trafficking shall provide victims and persons affected by human trafficking with free medical and psychological assistance, as well as with free legal consultation and assistance with their consent. The service agency (asylum) for victims of human trafficking shall develop and implement short- and long-term programmes for rehabilitation and full reintegration of victims and persons affected by human trafficking into their families and society.

4. By consent of victims and persons affected by human trafficking, the Ministry for Education and Science of Georgia shall ensure their participation in vocational training and other educational programmes developed in cooperation with the Ministry for Labour, Health and Social Affairs of Georgia.

5. When fulfilling obligations under this article, all service agencies (asylums) for victims of human trafficking must take into account the age, gender and special needs of victims, in particular special needs of children with respect to the provision of appropriate accommodation, education and care.



6. Mechanisms for protection of children's rights under the United Nations Convention of 29 November 1989 on the Rights of the Child and under the Council of Europe Convention on Action against Trafficking in Human Beings, and the Guidelines adopted by the international organisations on protecting the rights of child victims of human trafficking shall apply to child victims and children affected by human trafficking.

7. If the age of a victim or a person affected by human trafficking has not been identified, and there is a reasonable ground to presume that he/she is a minor, the victim of human trafficking shall be considered to be a minor and special protective measures shall be taken in relation to him/her until his/her age is identified.

8. Protection of personal security and measures for medical and psychological rehabilitation of victims and persons affected by human trafficking shall be implemented with their consent and with full secrecy of their personal data.

*Law of Georgia No 2712 of 9 March 2010 – LHG I, No 12, 24.3.2010, Art. 77*

*Law of Georgia No 3539 of 1 May 2015 – website, 18.05.2015*

#### **Article 19 – Establishment of service agencies (asylums) for victims of human trafficking**

1. To protect the lawful rights and interests of victims and persons affected by human trafficking, to support, rehabilitate and fully reintegrate them into their families and society, a service agency (asylum) for victims of human trafficking shall be established under the legislation of Georgia.

2. The service agency (asylum) for victims of human trafficking shall be established under the auspices of the Fund as a legal entity under public law.

3. Any natural or legal person shall be authorised to establish a non-entrepreneurial legal entity under private law – a service agency (asylum) for victims of human trafficking of any organisational and legal form, as determined by the legislation of Georgia.

4. The service agency (asylum) for victims of human trafficking must comply with the standards determined by the legislation of Georgia.

5. The service agency (asylum) for victims of human trafficking shall ensure the exercise of the rights granted to victims and persons affected by human trafficking under this Law, including protection of their personal security, during their stay at the service agency (asylum) for victims of human trafficking.

#### **Article 20 – Status and repatriation of alien victims and persons affected by human trafficking**

1. An alien who is a victim or a person affected by the crime of human trafficking committed in the territory of Georgia shall enjoy the same rights as are provided for by this Law for victims and persons affected by human trafficking.

2. A victim or a person affected by human trafficking who is a foreign citizen or a stateless person shall be discharged from liability for committing an act under Article 185 of the Code of Administrative Offences of Georgia.

3. An alien, with respect to whom there is a reasonable ground to presume that he/she may be a victim or an affected person of human trafficking, may not be expelled from Georgia during the time for reflection.

4. During the time for reflection, the Ministry for Justice of Georgia shall issue a residence card to a person referred to in the first paragraph of this article upon application of the service agency (asylum) for victims of human trafficking or of the body conducting the proceeding. The information used to identify a person referred to in the application shall be confidential and its disclosure shall be punishable under law. An appropriate state body shall make the decision to classify the above information as confidential under the General Administrative Code of Georgia.

5. If a person referred to in the third paragraph of this article decides to cooperate with law enforcement bodies in a criminal proceeding on a respective crime, he/she shall be issued a residence card under the legislation of Georgia before completion of a criminal proceeding and/or a civil proceeding. During this period, he/she shall also have the right to work in the territory of Georgia and enjoy labour rights and guarantees as determined by the Labour Code of Georgia.

6. After the time for reflection has expired or a respective criminal proceeding is completed, the State shall take appropriate measures for safe repatriation of an alien, who is a victim or a person affected by human trafficking, to his/her country of origin.

7. After completion of a respective criminal proceeding, an alien, who is a victim or a person affected by human trafficking, may be granted asylum in the territory of Georgia upon his/her request, if there is reasonable ground to presume that his/her life, health or freedom will be endangered after repatriation to their country of origin.

#### **Article 21 – Safe repatriation of citizens of Georgia and persons permanently residing in Georgia who are victims or persons affected by human trafficking**

1. Diplomatic missions and consular offices of Georgia abroad shall cooperate with the Ministry for Justice of Georgia and other appropriate state bodies of Georgia in order to issue, within the shortest time possible, identity cards and/or certificates to return to Georgia to victims and persons affected by human trafficking, and to ensure their safe repatriation to Georgia.

2. To ensure safe and voluntary return of victims and persons affected by trafficking, state bodies of Georgia shall cooperate with appropriate foreign bodies, international organisations and non-entrepreneurial legal persons.

*Law of Georgia No 6439 of 12 June 2012 – website, 22.6.2012*



## Chapter IV<sup>1</sup> - Social and Legal Protection, Support and Rehabilitation of Minor Victims and Minors Affected by Human Trafficking

*Law of Georgia No 6012 of 10 April 2012 – website, 30.4.2012*

### **Article 21<sup>1</sup> - General grounds for social and legal protection, support and rehabilitation of minor victims and minors affected by human trafficking**

1. Measures for social and legal protection, support and rehabilitation determined under this Law for victims and persons affected by human trafficking shall apply to minor victims and minors affected by human trafficking taking into consideration the procedures determined under the legislation of Georgia and this chapter for minors.
2. The state shall take special measures, by means of human trafficking prevention mechanisms determined under this Law, to reduce the possibilities for involving minors in human trafficking.
3. Mechanisms and guidelines under Article 18(6) of this Law shall apply to minor victims and minors affected by human trafficking.
4. Without any discrimination, this Law shall also apply to alien or stateless minor victims and minors affected by human trafficking.

*Law of Georgia No 6012 of 10 April 2012 – website, 30.4.2012*

### **Article 21<sup>2</sup> - Legal protection of minor victims and minors affected by human trafficking**

1. The state shall, through its authorised bodies, take measures to establish the identity and citizenship of minor victims and minors affected by human trafficking, to locate their parents and families. When required, guardians/trustees shall be appointed for minor victims or minors affected by human trafficking, as determined under the legislation of Georgia.
2. The identity and other personal data of minor victims and minors affected by human trafficking shall be confidential and their disclosure shall be prohibited (this information shall be inaccessible to mass media as well), except as exclusively provided for by law if parents and families of the minors need to be located, and when disclosure of this information does not endanger the minor victims and minors affected by human trafficking.
3. Minor victims and minors affected by human trafficking must be provided with information on their legal status, as well as on measures to be implemented for their support and rehabilitation. The information shall be provided to minors in the language they understand, considering their age.
4. Minor victims and minors affected by human trafficking may not be put at places of detention and/or penitentiary institutions in the cases provided for by Article 15 of this Law.

*Law of Georgia No 6012 of 10 April 2012 – website, 30.4.2012*

*Law of Georgia No 3539 of 1 May 2015 – website, 18.05.2015*

### **Article 21<sup>3</sup> - Mechanisms for social protection, support and rehabilitation of minor victims and minors affected by human trafficking**

1. The State shall facilitate social protection, support and rehabilitation of minor victims and minors affected by human trafficking, as determined under the legislation of Georgia.
2. The state shall ensure accommodation of minor victims and minors affected by human trafficking at a service agency (asylum) for victims of human trafficking as determined by this Law. A minor whose parents, either or both of whom, are victims or persons affected by human trafficking, may also be accommodated at an asylum, under its internal regulations.
3. Facilities for living, leisure, for providing support to and rehabilitation of minor victims and minors affected by human trafficking that are accommodated at a service agency (asylum) for victims of human trafficking shall be defined under internal regulations of the asylum. The internal regulations may also provide for the opportunity for minor victims and minors affected by human trafficking to obtain minimal education appropriate to their age.

*Law of Georgia No 6012 of 10 April 2012 – website, 30.4.2012*

### **Article 21<sup>4</sup> - Status and repatriation of alien or stateless minor victims and minors affected by human trafficking**

1. Alien or stateless minor victims and minors affected by human trafficking shall be issued residence cards as determined under this Law and other legislative and subordinate normative acts of Georgia, upon application of the service agency for victims of human trafficking or the body conducting the proceeding.
2. Alien or stateless minor victims and minors affected by human trafficking may not be returned to a foreign country if there are grounds to presume that their security will not be ensured after their return. Special needs, psychological or health status of these persons shall also be taken into consideration.





3. To support and rehabilitate alien or stateless minor victims and minors affected by human trafficking, taking their interests and needs into consideration, the state agencies shall carry out appropriate programmes in cooperation with non-governmental organisations.

*Law of Georgia No 6012 of 10 April 2012 – website, 30.4.2012*

## **Chapter V - International Cooperation of Georgia in Combating Human Trafficking**

### **Article 22 – Cooperation of state bodies of Georgia with appropriate foreign state bodies in combating of human trafficking**

Cooperation of the state bodies of Georgia with appropriate foreign state bodies in preventing and combating human trafficking, of protection, support and rehabilitation of victims and persons affected by human trafficking shall be defined under the United Nations Convention against Transnational Organised Crime and its Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Council of Europe Convention on Action against Trafficking in Human Beings; under agreements concluded on mutual legal assistance between Georgia and respective states, and other treaties and international agreements of Georgia.

### **Article 23 – Cooperation with international governmental and non-governmental organisations to ensure implementation of joint programmes**

International governmental and non-governmental organisations may, as determined by the legislation of Georgia, take part in preparation and implementation of the activities and joint programmes provided for by this Law for prevention and combating of human trafficking, and for protection, support and rehabilitation of victims and persons affected by human trafficking.

## **Chapter VI - Transitional Provisions**

### **Article 24 – Measures to be taken with regard to entry of the Law into force**

1. Government of Georgia shall ensure funding of measures against human trafficking to be taken by state bodies combating human trafficking.
2. The Government of Georgia shall develop and approve a procedure for establishing the Coordination Council, for nominating and removing persons from the Coordination Council, for its composition and rules of procedure (Statute) before 1 April 2014.
- 2<sup>1</sup>. The Government of Georgia shall, before 1 January 2016, approve the procedure for the conduct of state supervision by a competent agency of the Ministry of Labour, Health and Social Affairs of Georgia to prevent and respond to forced labour and labour exploitation.
3. The Coordination Council shall prepare unified standards and procedures for identification of victims of human trafficking and shall submit them for approval to the Government of Georgia before 1 April 2014.
- 3<sup>1</sup>. The Director of the Fund shall submit the Regulations of the Fund for approval to the Government of Georgia before 1 April 2014.
- 3<sup>2</sup>. Decrees of the President of Georgia issued under this Law shall remain valid until normative acts under paragraphs 2, 3 and 3<sup>1</sup> of this article and approved by the Government of Georgia enter into force.
4. Within six months after the entry of this Law into force, the Coordination Council shall approve:
  - a) the composition, rules of procedure and powers of the Standing Task Force established under the auspices of the Coordination Council;
  - b) the standards and requirements necessary for establishment of a service agency for victims of human trafficking, and its model Regulations;
  - c) the instruction for actions to protect victims of human trafficking (national referral mechanism);
  - d) the procedure for payment of compensation from the Fund.
5. The Ministry for Economic Development of Georgia shall, within six months after the entry of this Law into force, ensure transfer of appropriate property to the Legal Entity under Public Law (LEPL) – the State Fund for Protection and Support of Victims and Persons Affected by Human Trafficking as determined under the legislation of Georgia.
6. The Ministry for Internal Affairs of Georgia shall, within six months after the entry of this Law into force, ensure implementation of the organisational and legal measures required for establishment of the unified databank.
7. The Ministry for Labour, Health and Social Affairs of Georgia shall, within three months after the entry of this Law into force, develop a procedure and forms for providing medical services to victims of human trafficking.
8. The Ministry for Education and Science of Georgia shall, within six months after the entry of this Law into force, ensure inclusion of topics related to human trafficking into the curricula of general education institutions (schools) and higher education institutions.
9. The Minister for Internal Affairs of Georgia shall, within six months after the entry of this Law into force, approve the procedure for establishment of the unified databank.



10. The Ministry for Foreign Affairs of Georgia shall, within one month after the entry of this Law into force, ensure definition of persons at consular offices of Georgia who are working on human trafficking issues, and publish appropriate information, including outside Georgia.

11. The Ministry for Foreign Affairs of Georgia shall, within six months after the entry of this Law into force, ensure submission of the Council of Europe Convention on the Action against Trafficking in Human Beings for ratification to the Parliament of Georgia.

*Law of Georgia No 1268 of 20 September 2013 – website, 8.10.2013*

*Law of Georgia No 4085 of 22 July 2015 – website, 31.7.2015*

## **Chapter VII - Final Provisions**

### **Article 25 – Entry of the Law into force**

1. This Law shall enter into force one month after its promulgation, except for Article 13(4), Article 18(2) and Article 22.

2. Article 13(4) of this Law shall enter into force after making appropriate amendments to the Criminal Code of Georgia and the Criminal Procedure Code of Georgia.

3. Article 18(2) of this Law shall enter into force as from 1 January 2008.

4. Article 22 of this Law shall enter into force after Georgia accedes to the United Nations Convention against Transnational Organised Crime, its Additional Protocol against Trafficking in Persons, Especially Women and Children, and the Council of Europe Convention on Action against Trafficking in Human Beings.

**President of Georgia**

**M. Saakashvili**

**Tbilisi**

**28 April 2006**

**No 2944-IS**

