

Delegation of Georgia
2006 OSCE Human Dimension Implementation Meeting
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Statement/A Right to Reply submitted at the Working Session #3
“Addressing factors contributing to the cycle of trafficking in persons”
(October 3, 2006)

Thank you Mme. Moderator

The Georgian Delegation would like to briefly underline several aspects of the Georgian legislation addressing fight against trafficking.

Amendments to the Criminal Code of Georgia criminalizing trafficking in persons including trafficking in minors, and imposing relevant sanctions for this crime were initially passed by the Parliament of Georgia in 2003.

On April 28, 2006 the Parliament of Georgia adopted a separate Law on Fight Against Trafficking in Persons. The Law defines the roles of various governmental agencies in the fight against trafficking in persons and requires creation of effective mechanisms for: a) prevention of human trafficking; b) protection, assistance of rehabilitation of the victims of trafficking in persons; c) prosecution of traffickers.

The Law provides for effective guarantees for the protection of the rights of the victims of human trafficking. It provides for the establishment of State

Fund for Protection and Assistance of the Victims of Trafficking in Persons. The State Fund will be aimed at financing the measures of protection, assistance and rehabilitation as well as giving compensations to the victims of trafficking. Shelter as a structural unit of the State Fund will operate and provide victims with free medical assistance and psychological counseling, free legal consultation and assistance, short-term and long-term programs of rehabilitation and reintegration into the society. Apart from the mentioned shelter, any natural and legal person will be entitled to set up a separate shelter. However, all shelters have to comply with standards established by law (including but not limited to safety rules). In the course of considering the standards of shelters, it was determined to prepare a separate room for minors. As to the normative base on the subject of shelters, the Ministry of Labor, Health and Social Affairs of Georgia is organizing the work on the elaboration of the samples of a shelter's regulation and shelter standards. Furthermore, as provided by law, victims of trafficking are exempt from criminal liability for the acts they were compelled to do due to their position as a victim.

As regards the practical implementation of the newly adopted Law, the President of Georgia in May 2006 appointed a Director of the State Fund, while the Statute of the State Fund has been adopted by the Presidential Order on July 18, 2006. As for the procedure for the payment of the compensation - the document has been drafted and shall be adopted in the nearest future. The State Fund shall function under the supervision of the Ministry of Labor, Health and Social Welfare that has already allocated GEL

100, 000 for the 2006 fund¹ and made a commitment to allocate from the State Budget up to GEL 300, 000 for 2007. At the same time, the Government of Georgia pays particular attention to the development of the first Shelter for the Protection of the Victims of Trafficking. The first Shelter has been renovated and furnished with the generous support of the United States Agency for International Development, while the Government of Georgia has arranged certain technical measures and security for the Shelter. The establishment of the mentioned Shelter also represents one of the examples of close cooperation between the Government and local non-governmental organizations.

And lastly, it shall be mentioned that the Law on Trafficking provides for the establishment of the Permanent Inter-Agency Coordinating Council for coordination of the anti-trafficking measures among governmental agencies as well as international organizational and local NGOs. The draft Statute of the Coordinating Council has been discussed at the Session of the Temporary Inter-Agency Commission and shall be adopted by the president of Georgia in the nearest future².

Finally, a couple of words about statistics and sanctions: while in 2003, only 2 criminal cases were initiated into the facts of trafficking in persons and subsequently 2 persons were convicted, in the first seven months of 2006 10 criminal cases were initiated. 6 persons in 6 criminal cases were charged; 4

¹ 20 000 GEL is allocated from the Government budget for financing the Programme of Medical Assistance to Victims of Trafficking;

² Currently, the Ministry of Justice and Ministry of Internal Affairs are in charge of coordinating the candidates from relevant governmental agencies, international and non-governmental organizations;

cases against 4 persons were submitted to the court for the trial procedure; judgement was passed against 2 persons in 2 criminal cases. As for sanctions: punishment for trafficking in persons ranges from seven years to life imprisonment.

Thank you for your attention.