

Common template for EMN study on Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection

Final version (update), 9 July 2021 – **Contribution of the EMN NCP Georgia**

Action: EMN NCPs are invited to submit their completed common templates by 25 October 2021.

If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com.

1 BACKGROUND AND RATIONALE FOR THE STUDY

Trafficking in human beings is a crime against people that can take various forms such as sexual exploitation (including forced prostitution), forced labour or services, slavery and servitude related practices, as well as the removal of vital organs, all of which constitute a grave violation of victim's fundamental rights. Trafficking in human beings is prohibited in various international instruments such as in the Charter on Fundamental Rights of the European Union (EU),¹ the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Children and Women, supplementing the UN Convention against Transnational Organized Crime (Annex II),² the Council of Europe (CoE) Conventions on Action against Trafficking in Human Beings³ (which is monitored by GRETA, the CoE Group of Experts on Action against Trafficking in Human Beings) and on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention),⁴ the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁵ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child

¹ Charter of Fundamental Rights of the European Union, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>, last accessed on 10 May 2021.

² UNODC, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 2000, https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf, last accessed on 9 May 2021.

³ CoE, Convention on Action against Trafficking in Human Beings, 2005, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>, last accessed on 9 May 2021.

⁴ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, (Istanbul Convention), last accessed on 9 May 2021.

⁵ UN, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, <https://www.un.org/womenwatch/daw/cedaw/>, last accessed on 10 May 2021.

prostitution and child pornography, the International Covenant on Civil and Political Rights (ICCPR),⁶ the Global Compacts for Migration⁷ and Refugees⁸ and the 2030 Agenda for Sustainable Development.⁹

According to the latest available data, between 2017 and 2018, there were more than 14 000 registered victims within the EU.¹⁰ Trends in the EU seem to mirror those at global level: for every 10 victims detected, five are adult women and two are girls, one in every three is a child.^{11 12 13} Trafficking in human beings is not only recognised as a highly profitable crime,¹⁴ it is also recognized as a crime with links to social development and security, migration, conflict- and climate-induced displacement. The impact and cost of human trafficking on individuals as well as on political, economic and social systems is compelling. Trafficking victims may suffer from an array of physical and devastating psychological health issues stemming from brutal physical and emotional attacks at the hands of their traffickers, dangerous workplace conditions, occupational hazards, inhumane living conditions, poor sanitation, inadequate nutrition, poor personal hygiene, and general lack of quality health care. Human trafficking has the power to affect the victims' life forever:¹⁵ therefore, the application of a human right-based and victim-centred approach is needed.

Persistent demand for sexual services and for low-wage workers employed in manual jobs continue to ensure opportunities for traffickers to operate: in spite of the recent significant increase in the number of people convicted, many perpetrators remain undetected and unpunished.¹⁶ Given its clandestine nature, and the many factors which may deter a victim from reporting the crime, trafficking in human beings is believed to be significantly underreported.¹⁷ Detection and identification of (potential) victims of trafficking in human beings is therefore likely to remain at the same time critical and problematic, as flagged by a recent report of the European Parliament.¹⁸

⁶ UN, International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, last accessed on 10 May 2021.

⁷ UN, Global Compact for Safe, Orderly and Regular Migration, 2018, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195, last accessed on 9 May 2021.

⁸ UN, Global Compact for Refugees, 2018, https://www.unhcr.org/qcr/GCR_English.pdf, last accessed on 9 May 2021.

⁹ UN, 2030 Agenda for Sustainable Development, 2015, https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E, last accessed on 10 June 2012. Trafficking in human beings is addressed under Goal 5 (Gender Equality), Goal 8 (Decent Work and Economic Growth) and Goal 16 (Peace Justice and Strong Institutions).

¹⁰ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

¹¹ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

¹² UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf, last accessed on 8 May 2021.

¹³ The Counter Trafficking Data Collaborative, Global Data Hub on Human Trafficking, www.ctdatacollaborative.org, last accessed on 10 June 2012.

¹⁴ ILO, Profits and Poverty: The Economics of Forced Labour, 2014, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf, last accessed on 9 May 2021.

¹⁵ IOM, UN.GIFT and London School of Hygiene and Tropical Medicine, Caring for Trafficked Persons: A Guide for Health Providers, https://publications.iom.int/system/files/pdf/ct_handbook.pdf, 2009, last accessed on 14 June 2021.

¹⁶ UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf, last accessed on 8 May 2021.

¹⁷ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

¹⁸ European Parliament, Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, (2020/2029(INI)), 2020, https://www.europarl.europa.eu/doceo/document/A-9-2021-0011_EN.pdf, last accessed on 15 May 2021.

Third-country nationals account for more than half of the registered victims in EU Member States.¹⁹ Vulnerable migrants have been reported to be at persistent risk of becoming victims of trafficking along migration routes: in particular unaccompanied minors and those in the asylum procedures, might be at a higher risk of becoming victims of trafficking in human beings and other gender-based violence, such as rape or domestic violence.²⁰ Reception centres for asylum applicants can be targeted by human traffickers for recruitment.²¹ Early identification of victims is crucial to promptly assist, support and protect victims of trafficking in human beings and enables police and prosecution authorities to better investigate and punish traffickers.²² However, their detection and identification in mixed migration flows remains a challenge²³ in a number of Member States,²⁴ some of which also relate to tensions with the current legal framework (especially within asylum procedures)²⁵ as well as to disruption in victim assistance and support services.²⁶ For instance, difficulties have occurred in some Member States, e.g. labour exploitation cases not recognised as trafficking in human beings and treated by the police under civil law (Latvia), difficult in detection and identification of victims due to more restricted movements during the Covid-19 pandemic crisis (Luxembourg), 'cross-border' victims or third-country nationals 'forced' to commit criminal acts themselves (the Netherlands) or collaboration with governmental agencies (Sweden).

The full extent of the impact of the COVID-19 pandemic on trafficking in human beings is not yet known. However, a rise in poverty as a result of restrictions, an increase in vulnerabilities linked to migration statuses and ongoing travel restrictions may have, among other factors, resulted in higher levels of trafficking and placed third-country national migrants at greater risk of exploitation.²⁷ The risks of exploitation of minors in particular are thought to have increased.²⁸ The pandemic has also made the

¹⁹ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

²⁰ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²¹ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

²² European Commission, Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, 2021 (New EU Strategy) https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_on_combatting_trafficking_in_human_beings_2021-2025_com-2021-171-1_en.pdf, last accessed on 18 May 2021.

²³ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²⁴ European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

²⁵ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisdocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEF%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluM0bDued4, last accessed on 10 May 2021.

²⁶ International Organization for Migration (IOM), Understanding the migration & mobility implications of COVID-19, https://www.iom.int/sites/default/files/documents/covid-19_analytical_snapshot_59_human_trafficking_update.pdf, last accessed on 12 June 2021.

²⁷ Giammarinaro, Maria Grazia, COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons', UN Human Rights Special Procedures, 2021, <https://www.ohchr.org/Documents/Issues/Trafficking/COVID-19-Impact-trafficking.pdf>, last accessed on 6 May 2021.

²⁸ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

identification of victims of trafficking more challenging for authorities and has resulted in delays in identification procedures.²⁹

In 2012, the EU called upon Member States to set up “systematic approach(es) to victim identification, protection and assistance” including promoting “regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings [...] aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings”.³⁰ One of the key priorities of the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 is protecting, supporting and empowering victims, which also includes the early identification of victims: in this regard, working together with relevant EU agencies, as well as embedding cooperation and partnerships against trafficking with non-EU countries of origin and transit and organisations at regional and international levels in the EU’s external relations policy is fundamental.³¹

2 EU LEGAL AND POLICY CONTEXT

This section outlines EU legislation relevant to the identification and protection of victims of trafficking. It begins by describing the anti-trafficking legislation and its main recent developments, followed by relevant elements of the Common European Asylum System (CEAS). Whilst the Anti-trafficking Directive 2011/36/EU introduces the concepts of detection and identification of victims in all situations, existing instruments for international protection and forced return procedures do not explicitly provide for a tailored mechanism.³²³³ The recast asylum acquis goes some way in improving this situation as described below, although there may be room to further enhance provisions for victims of trafficking in human beings who are in Dublin or forced return procedures.

2.1 EU Anti-trafficking legislation

The EU recognises trafficking in human beings as a violation of human rights: Article 5(3) of the EU Charter on Fundamental Rights prohibits trafficking in human beings outright. The EU’s competence to act in relation to trafficking in human beings is set out in the EU Treaties, and in several legal documents. The Treaty on the Functioning of the EU (TFEU) recognises the EU’s power to act on trafficking in relation to its nature as (i) a phenomenon with links to migration,³⁴ and (ii) a cross-border crime.³⁵

Several Directives within the migration acquis either focus on, or have implications for, third-country national victims of trafficking in human beings, but the Anti-trafficking Directive 2011/36/EU is the first act at the EU level to address trafficking in human beings in a comprehensive and integrated way. The instrument adopts a victim-centred ‘human rights approach’, providing for a common definition of the criminal offence of trafficking, and obliging Member States to “establish appropriate mechanisms aimed at the early identification of and assistance to victims, in cooperation with relevant support organisations”.³⁶ In 2020 the European Commission published its third two-yearly report on the progress made in the fight

²⁹ CoE, 10th General Report GRETA Activities, 2021, <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>, last accessed on 9 May 2021.

³⁰ European Commission, EU Strategy towards the eradication of trafficking in human beings 2012-2016, 2012 (EU Strategy), https://ec.europa.eu/anti-trafficking/sites/default/files/the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf, last accessed on 6 May 2021.

³¹ New EU Strategy.

³² Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (Anti-trafficking Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>, last accessed on 10 May 2021.

³³ Forced return is outside the scope of this study.

³⁴ Treaty on the Functioning of the European Union (TFEU), Article 79, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>, last accessed on 15 May.

³⁵ TFEU, Article 83.

³⁶ It is noted that Denmark, Georgia, the Republic of Moldova and Norway are not bound by this Directive.

against trafficking in human beings as required under Article 20 of the Anti-trafficking Directive 2011/36/EU.³⁷

Prior to the entry into force of the Anti-trafficking Directive 2011/36/EU, the Residence Permit Directive 2004/81/EC was the only piece of EU legislation providing for assistance to third-country national victims of trafficking.³⁸ It sets out a framework for Member States to grant a temporary reflection period of unconditional stay and assistance and conditions for granting a residence permit to third-country national victims of trafficking in human beings, when these persons cooperate with the authorities competent to start pre-trial investigations and convict the perpetrator. Some Member States³⁹ make provision for certain forms of residence permit, based on the vulnerable position of the victim. This possibility is sometimes limited to particular categories of persons (e.g. minors).⁴⁰

According to the Anti-trafficking Directive 2011/36/EU, "a person should be provided with assistance as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness".⁴¹ The Anti-trafficking Directive 2011/36/EU goes on to state that in cases where the victim does not already reside lawfully in the Member State the assistance should be provided unconditionally for at least the duration of the reflection period. However, it can be withdrawn if on completion of the identification process or expiry of the reflection period, the victim is not considered eligible to remain in the Member State.⁴² The Anti-trafficking Directive 2011/36/EU, however, recognises that in addition to residence based on cooperation, victims of trafficking may also be eligible for international protection.⁴³

It is also of note that potential victims of trafficking who have been issued a reflection period cannot be subject to any expulsion order against them for the duration of this period,⁴⁴ and that victims of trafficking who have been granted a residence permit will not be subject to an entry ban, provided that there is no threat to public policy, public security or national security within the scope of the Return Directive 2008/115/EC.⁴⁵

Finally, in its *Rantsev v. Cyprus and Russia* ruling,⁴⁶ the European Court of Human Rights (ECtHR) recalled the positive obligations that fall to States when it comes to inquiring into possible trafficking situations and to taking the necessary measures to protect victims. Going further than a simple obligation for states to enact laws aimed at ensuring the prohibition of slavery, servitude and forced labour as provided for in Article 4 of the European Convention on Human Rights (ECHR), the Court, set forth the obligation for states to take appropriate measures to 'remove an individual from a situation or risk, where it is presumed that

³⁷ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

³⁸ Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, (Residence Permit Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>, last accessed on 15 May.

³⁹ AT, BE, ES, HU, IT, LU, NL, PL, SK.

⁴⁰ Denmark, Ireland and Norway do not participate in and therefore are not bound by the 2004 Directive, while having similar national provisions in place for granting reflection periods and granting of a temporary residence permit based on a victim's cooperation with the authorities. European Commission, Report on the application of Directive 2004/81/EC, 2010, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0493&from=EN>, last accessed on 9 May 2021.

⁴¹ Anti-trafficking Directive, recital 18 and Article 11(3).

⁴² Anti-trafficking Directive, recital 18.

⁴³ Anti-trafficking Directive, Article 11(6).

⁴⁴ Article 6(2) of the Residence Permit Directive provides for a possibility to Member States authorities to terminate the reflection period in cases where the person concerned has actively, voluntarily and on his or her own initiative renewed contact with the perpetrators of trafficking or for reasons relating to public policy and to the protection of national security.

⁴⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, (Return Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0115>, last accessed on 9 May 2021.

⁴⁶ ECtHR, *Rantsev v. Cyprus and Russia*, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>, last accessed on 15 May 2021.

state authorities were aware that this individual was at real and immediate risk of being trafficked or exploited'. Very recently, the Court reiterated that these positive obligations are incumbent upon states and stressed the need for the latter to 'protect victims and investigate as soon as there are reasonable grounds to believe that there is credible suspicion of trafficking'.⁴⁷

2.2 Main EU policy developments addressing trafficking in human beings

While the main responsibility for tackling trafficking in human beings and protecting victims lies with Member States, in 2012 the European Commission launched the first EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (EU Strategy).⁴⁸ It calls on Member States to adopt a systematic approach to victim identification, protection and assistance, including through the establishment of formal, functional national referral mechanisms (NRM). In its mid-term report on the implementation of the EU Strategy,⁴⁹ for the first time, the European Commission collected statistical data on the trafficking of human beings at a European level. In 2020, a fifth edition was published together with the third report on the progress made in the fight against trafficking in human beings mentioned above.

On 14 April 2021, the European Commission adopted the new EU Strategy on Combatting Trafficking in Human Beings 2021-2025,⁵⁰ calling for a comprehensive response to combatting a complex criminal phenomenon as follows:

- Reducing demand that fosters trafficking, including by assessing the possibility of establishing minimum EU rules criminalising the use of exploited services from victims of trafficking and proposing legislation on corporate governance to clarify the responsibilities of companies.
- Breaking the business model of traffickers, online and offline including by conducting a dialogue with internet and technology companies and encouraging systematic training of law enforcement and judicial practitioners on detecting and addressing trafficking in human beings.
- Protecting, supporting and empowering the victims with a specific focus on women and children including by seeking to improve the early identification of victims and their referral to further assistance and protection. Strengthen victim empowerment programmes and facilitate re-integration. The European Commission will also fund gender-specific and child-sensitive training to help police, social workers, border guards or healthcare staff to detect victims.
- Promoting international cooperation with international partners including by means of foreign policy instruments and operational cooperation to help combat trafficking in countries of origin and transit including through dedicated human rights and security dialogues.

Tackling trafficking in human beings and the early identification of potential non-EU victims (who account for more than half of the total number) is also a priority under several of the latest Communications adopted by the European Commission. These include the new EU Security Union Strategy⁵¹ launched in July 2020, and the New Pact on Migration and Asylum⁵² of September 2020. It also plays a prominent role in the

⁴⁷ ECtHR, *V.C.L and A.N. v. The United Kingdom*, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>, last accessed on 15 May 2021.

⁴⁸ EU Strategy.

⁴⁹ European Commission, Communication on the application of Directive 2004/81/EC, 2014, <https://ec.europa.eu/transparency/reqdoc/rep/1/2014/EN/1-2014-635-EN-F1-1.Pdf>, last accessed on 9 May 2021.

⁵⁰ New EU Strategy.

⁵¹ European Commission, Communication on the EU Security Union Strategy, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0605&from=EN>, last accessed on 9 May 2021.

⁵² European Commission, Communication on a New Pact on Migration and Asylum, 2020, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf, last accessed on 9 May 2021.

Europol Serious and Organised Crime Threat Assessment and the EU Strategy to tackle Organised Crime 2021-2025, presented respectively on 13 and 14 April 2021.⁵³

The European Commission recently published three studies - one on the gender dimension of trafficking,⁵⁴ one on its economic, social and human costs⁵⁵ and one on reviewing the functioning of Member State's National and Transnational Referral Mechanisms⁵⁶ - focused on (different aspects of) the topic, with the latter one in particular treating victim detection and identification in the context of migration and asylum. Finally, the outcomes of this study will complement the Commission's evaluation of the Anti-trafficking Directive 2011/36/EU, which is a key action of the New EU Strategy.

2.3 EU asylum acquis

The EU asylum acquis comprises two Regulations and four Directives, which legislate on different aspects of the procedure for granting international protection, including which country is responsible for examining each application (Dublin III Regulation),⁵⁷ and how to compare fingerprints for law enforcement purposes (Eurodac Regulation),⁵⁸ the type of persons who qualify for international protection and the rights related to the international protection status (Qualification Directive 2011/95/EU),⁵⁹ the common standards that Member States should have in place for granting and withdrawing international protection (Asylum Procedures Directive 2013/32/EU),⁶⁰ and the common standards for the reception of applicants that should be granted to guarantee them a dignified standard of living (Reception Conditions Directive 2013/33/EU).⁶¹ In the EU asylum acquis, victims of human trafficking are considered a vulnerable category of applicants under the Reception Conditions Directive 2013/33/EU which lays down specific provisions for vulnerable

⁵³ European Commission, Communication on the EU Strategy to tackle Organised Crime 2021-2025, 2021, https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_to_tackle_organised_crime_2021-2025_com-2021-170-1_en.pdf, last accessed on 9 May 2021.

⁵⁴ European Commission, Study on the gender dimension of trafficking in human beings, 2016, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf, last accessed on 9 May 2021.

⁵⁵ European Commission, Study on the economic, social and human costs of trafficking in human beings within the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_economic_social_and_human_costs_of_trafficking_in_human_beings_within_the_eu.pdf, last accessed on 15 May 2021.

⁵⁶ European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

⁵⁷ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), (Dublin III Regulation), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32013R0604>, last accessed on 15 May 2021.

⁵⁸ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, (Eurodac Regulation), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0603>, last accessed on 15 May 2021.

⁵⁹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), (Qualification Directive), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>, last accessed on 15 May.

⁶⁰ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive), <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032>, last accessed on 18 May 2021.

⁶¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), (Reception Conditions Directive), last accessed on 18 May 2021.

applicants and their special reception needs, including the assessment of such needs.⁶² The applications of vulnerable persons can be prioritised under the Asylum Procedures Directive 2013/32/EU.⁶³ Finally, the new EU Pact on Migration and Asylum⁶⁴ proposes to put in place a pre-entry screening that should be applicable to all third-country nationals who are present at the external border without fulfilling the entry conditions or after disembarkation, following a search and rescue operation.⁶⁵

In this study, the Dublin III Regulation is of relevance as it establishes the criteria and mechanisms for determining the Member State responsible for the examination of an asylum claim in the EU. Where a Member State other than the one in which the applicant has lodged an application is found to be responsible for examining the application, the applicant will usually be transferred to that Member State. Where the applicant has lodged multiple applications in different Member States, the person will usually be transferred back to the Member State previously determined as responsible. In cases where a victim has been exploited in the Member State responsible, it could be traumatic to be returned to that Member State, even though in accordance with the Dublin Regulation, the transfer can take place. However, questions have arisen in relation to the reflection period that should be granted under art 6(2) of the Residence Permit Directive 2004/81/EC.⁶⁶ According to this provision, any expulsion order against a victim of trafficking shall not be enforced during this reflection period, which is an occasion for them to recover and decide whether they want to cooperate with the competent authorities, by, for example, reporting their trafficking situation. The Court of The Hague has referred several questions for a preliminary ruling, including whether a transfer decision pursuant to the Dublin Regulation during the reflection period qualifies as an expulsion order and thus whether such transfer is precluded by the Residence Permit Directive 2004/81/EC.⁶⁷

Where the applicant is an unaccompanied minor without family members on the territory of other Member States, the State where the unaccompanied minor has lodged an application for international protection shall be responsible.⁶⁸ Moreover, so-called 'Dublin' transfers do not always take place for instance where a Member State decides to take responsibility for an application for international protection lodged by a third-country national or a stateless person itself, for example:

- on the basis of a national decision (the so-called 'sovereignty clause');⁶⁹

⁶² Reception Conditions Directive, articles 21 and 22.

⁶³ Asylum Procedures Directive, Article 31(7)(b).

⁶⁴ European Commission, Communication on a New Pact on Migration and Asylum, 2020, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf, last accessed on 9 May 2021.

⁶⁵ European Commission, Proposal for a Regulation introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, 2020, https://ec.europa.eu/info/sites/default/files/communication-screening-third-country-nationals_en.pdf, last accessed on 18 May 2021.

⁶⁶ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20OFEB%202021.pdf?fbclid=IwAR2YqjwIVDXebOQtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4, last accessed on 10 May 2021. Also, Case C-66/21 CJEU in which the Netherlands asked preliminary questions on the relation between art. 6(2) Dir. 2004/81 and Dublin transfers.

⁶⁷ Court of the Hague, 29 January 2021 ECLI:NL:RBDHA:2021:727 also

Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20OFEB%202021.pdf?fbclid=IwAR2YqjwIVDXebOQtOMDdJQd9lOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4, last accessed on 13 June 2021.

⁶⁸ Dublin III Regulation, Article 8(4).

⁶⁹ Dublin III Regulation, Article 17(1).

- on humanitarian grounds based in particular on family or cultural considerations (the so-called ‘humanitarian clause’).⁷⁰

Concerns arise when it comes to asylum applicants who may become victims of trafficking during so-called ‘secondary movements’ or may be returned under the Dublin III Regulation to the country where exploitation has occurred. In 2011, in *N.S. and M.E.* (Joined cases C-411/10 and C-493/10),⁷¹ the Court of Justice of the EU (CJEU), held that, in line with Article 4 of the EU Charter of Fundamental Rights, Member States may not transfer an asylum applicant to the responsible Member State where they cannot be unaware that systemic deficiencies in the asylum procedure and in the reception conditions in that Member State amount to substantial grounds for believing that the asylum applicant would face a real risk of being subjected to inhuman or degrading treatment. The determining Member State shall continue to examine the criteria set out in the hierarchy of criteria in order to establish whether another Member State can be designated as responsible. This principle applies to all applicants whether or not they claim to be victims of trafficking.⁷² Nonetheless, decisions not to transfer remain dependent on effective detection methods, identification processes and a procedure in place for the transfer to be delayed or a final decision made whether or not to proceed with it.

Detection and identification of potential victims is key, and national courts have stressed the importance of these steps on several occasions, pointing to the tension that may arise from the time-efficiency spirit of the Dublin Regulation on the one hand, and the protection duties imposed on Member States on the other.⁷³

When the Dublin III Regulation was adopted in 2013 it also improved possibilities for detection, since it introduced a provision to conduct a personal interview ‘in order to facilitate the process of determining the Member State responsible’.⁷⁴ The Dublin III Regulation introduced provisions on the consideration of safety and security of unaccompanied minors in particular where there is a risk of the child being a victim of trafficking,⁷⁵ but does not explicitly introduce provisions relevant to adults who are (potential) victims of trafficking in human beings within Dublin procedures: the Reception Conditions Directive 2013/33/EU states that Member States shall take into account the specific situation of vulnerable persons such as (among others) victims of human trafficking.⁷⁶

2.4 The victims’ rights directive

Adopted in 2012, the Victims’ Rights Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect.⁷⁷ Trafficking in human beings is recognised as one of the crimes covered by the Victims’ Right Directive 2012/29/EU.⁷⁸ Victims of crime must receive proper protection, support and access to justice: in particular, the need for special support and protection for women (and their children) who are victims of gender-based violence, especially with a view to avoiding secondary and

⁷⁰ Dublin III Regulation, Article 17(2).

⁷¹ Judgment of the Court (Grand Chamber) of 21 December 2011. *N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) – United Kingdom and High Court of Ireland – Ireland.

⁷² Dublin III Regulation, Article 3(2).

⁷³ For instance, Case N. NL19.30940 mentioned above (footnote 63).

⁷⁴ Dublin III Regulation, Article 5.

⁷⁵ Dublin III Regulation, Article 6(3)(c).

⁷⁶ Reception Conditions Directive, Article 21.

⁷⁷ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, (Victims’ Rights Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>, last accessed on 18 May 2021.

⁷⁸ TFEU, Article 83(1).

repeated victimisation, is emphasised.⁷⁹ In the context of the individual needs' assessment, particular attention shall be paid to victims of trafficking.⁸⁰

On that basis, all EU Member States,⁸¹ must ensure and prioritise victims' protection and safety regardless of their residence status. Indeed, while Article 1 of the Victims' Right Directive 2012/29/EU calls for a non-discriminatory approach to the protection of victims of crime, Article 2 further defines victims as "anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act". Read in conjunction with Recital 10 which highlights that "Member States must take necessary measures to ensure that the rights set out in this Directive are not made conditional on the victim's residence status", the definition of 'victims' provided de facto encompasses third-country nationals who may fall victims to crime within the EU territory, including the one of trafficking in human beings. The Victims' Right Directive 2012/29/EU provides victims and their family members with a right to information, support and protection. It further strengthens the victims' procedural rights in criminal proceedings and requires that EU Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims. For certain groups of victims, the EU has adopted specific rules which respond more directly to the specific needs of some victims as, *inter alia*, to provide protection and support for victims of human trafficking.⁸²

3 STUDY AIMS AND OBJECTIVES

The proposed study aims to explore the national practices of detection, identification and protection of third-country national victims of trafficking in human beings. In this respect, without adopting the same scope, it updates the 2013 EMN study "Identification of victims of trafficking in human beings in international protection and forced return procedures" and covers:

1. Overview of national situations in relation to trafficking in human beings, in particular focusing on the national, latest available data, trends, patterns and trafficking purposes (Introduction).
2. National policy and legislative developments and measures to detect (presumed) third-country national victims of trafficking in human beings, including information on competent authorities, existing reporting mechanisms, possibilities to appeal decisions. (Section 1).
3. National policy and legislative developments and measures to identify (presumed) third-country national victims of trafficking in human beings, including referral mechanisms (if existent) among national authorities and other relevant stakeholders (Section 2)
4. National policy and legislative developments and measures to protect (presumed) third-country national victims of trafficking in human beings, including the legal framework for granting the reflection period, residence permits and the provision of appropriate information and assistance (Section 3).
5. Cooperation mechanisms with other Member States, EU agencies (EASO, Europol, Frontex), international organisations and third countries of origin and of transit (Section 4).
6. Challenges and good practices in Member States, such as those concerning vulnerable persons, (presumed) cases falling under the scope of the Dublin III Regulation and the impact of COVID-19 (Section 5).

⁷⁹ Victims' Rights Directive, Recital 17.

⁸⁰ Victims' Rights Directive, Article 22(3).

⁸¹ Denmark opted out from the Victims' Rights Directive.

⁸² Victims' Rights Directive, articles 8, 22 and 24.

4 SCOPE OF THE STUDY

The study covers the following categories of third-country nationals, detected, identified and protected as (presumed) victims of trafficking in human beings, who are:

- Asylum applicants;
- In an irregular situation;
- In possession of a valid authorisation to stay on the territory of a Member State (residence permit or short-term visa).

Third-country nationals who are in an irregular situation and subject to a return decision will be out of the scope of this study as they have already been dealt with in other recent EMN products.

The temporal scope for statistics and the national contexts is from January 2015 up to December 2020 for statistics and the national contexts.

The study is aimed at policy makers at national, European and international level, but also representatives of specific industries (e.g. private sectors in areas where trafficking in human beings is documented to occur), civil society organisations, academia, and will complement and update findings of other relevant European Commission reports and studies as well as contribute to the European Commission’s study for the evaluation of the Anti-trafficking Directive.

For the purpose of this study, the definitions listed in the section below will apply.

5 DEFINITIONS

The study uses the following definitions, which – unless otherwise stated – are based on the EMN Asylum and Migration Glossary.⁸³

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Dublin procedure	The process of determining the EU Member State responsible for examining an application for international protection lodged in one of the EU Member States by a third-country national under Regulation (EU) No 604/2013 (Dublin III Regulation).
Dublin transfer	<ol style="list-style-type: none"> 1. The transfer of responsibility for the examination of the merits of an application for international protection from one Member State to another Member State. 2. The (physical) transfer of an applicant to the EU Member State who is considered to be responsible for examining the merits of an application following a Dublin procedure
Identification of a victim of trafficking in human beings	The process of confirming and characterising a situation of trafficking in human beings for further implementation of support.

⁸³ EMN Glossary, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en, last accessed on 18 May 2021.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
Identified victim of trafficking in human beings	A person who has been formally identified as a victim of trafficking in human beings according to the relevant formal authority in Member States.
International protection	In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries. In the EU context, protection that encompasses refugee status and subsidiary protection status.
National referral/cooperation mechanisms	Mechanism aimed at identifying, protecting and assisting victims of trafficking in human beings, through referral, and involving relevant public authorities and civil society. ⁸⁴
Potential victim of trafficking in human beings	A person vulnerable to trafficking in human beings. ⁸⁵
Presumed victim of trafficking in human beings	A person who has met the criteria of EU regulations and international Conventions but has not been formally identified by the relevant authorities (e.g. police) as a trafficking victim or has declined to be formally or legally identified as victim of trafficking.
Protection of (<i>presumed/identified</i>) victims of trafficking in human beings	The action of national authorities aimed at protecting the fundamental rights of (<i>presumed</i>) victims of trafficking in human beings. ⁸⁶
Reception centre	A location with facilities for receiving, processing and attending to the immediate needs of refugees or asylum applicants as they arrive in a country of asylum.
Reflection period	A period of time determined according to national law granted to third-country nationals officially identified as victims of trafficking in human beings allowing the victim to recover and escape the influence of the perpetrators of the offences so that they can take an informed

⁸⁴ Article 11(4) of the Anti-trafficking Directive lays down an obligation on Member States to take the necessary measures to establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations.

⁸⁵ Definition inspired by IOM, <https://publications.iom.int/books/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour>, last accessed on 10 June 2021.

⁸⁶ Definition inspired by the Anti-trafficking Directive, Article 11. A person shall be provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to trafficking in human beings.

Detection of (a situation of) trafficking in human beings	The process of identifying a possible situation of trafficking in human beings.
	decision as to whether (or not) to cooperate with the competent authorities.
Registered victim of trafficking in human beings	A person who is either an identified or a presumed victim of human trafficking and has been registered by authorities and/or other agencies and organisations. ⁸⁷
Trafficking in human beings	The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.
Transfer of procedure	The process of changing from one migration procedure to another. ⁸⁸
Victim(s) of crime	Anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act'. ⁸⁹
Voluntary Return	The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.
Vulnerable person	Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

6 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

Primary research questions:

1. What is the national situation with regard to (presumed) third-country national victims of trafficking in human beings in the Member States?

⁸⁷ Definition inspired by the European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

⁸⁸ Definition elaborated by the Core AG for the purpose of this study.

⁸⁹ Victims' Rights Directive, Article 2.

2. What are the national policies and procedures in place to detect (presumed) third-country national victims of trafficking in human beings (including targeted policies and strategies for vulnerable persons)?
3. What are the national policies and procedures in place to identify (presumed) third-country national victims of trafficking in human beings (including targeted policies and strategies for vulnerable persons)?
4. What are the national policies and procedures in place to protect and support (presumed) third-country national victims of trafficking in human beings and what is the role of national referral mechanisms?
5. To what extent and how do Member States cooperate internationally in detecting, identifying and protecting (presumed) third-country national victims of trafficking in human beings?
6. What are the key challenges and good practices in the Member States in the detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

7 RELEVANT SOURCES AND LITERATURE

EMN Studies

- EMN (2014), [Study on the identification of victims of trafficking in human beings in international protection and forced return procedures](#).

EMN Ad-Hoc Queries (AHQ)

- EMN (2019), [AHQ on Access of victims of trafficking to their rights](#)
- EMN (2018), [AHQ on Identification of victims of human trafficking during asylum interview](#)
- EMN (2016), [AHQ on Protection of victims of human trafficking](#)
- EMN (2012), [AHQ on Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)
- EMN (2009), [AHQ on Types of residence permits that victims of trafficking who do not cooperate with the authorities are granted](#)

Other Studies, Reports and Communications

- European Commission (2021), [Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025](#)
- European Commission (2021), [Communication on the EU Strategy to tackle Organised Crime 2021-2025](#)
- EUROPOL (2021), [European Union serious and organised crime threat assessment \(SOCTA\)](#)
- Council of Europe (2020), GRETA's activities, [General reports and resources](#)
- Council of Europe (2020), [Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection](#)
- European Commission (2020), [Communication on the EU Security Union Strategy](#),
- European Commission (2020), [Communication on a New Pact on Migration and Asylum](#),
- European Commission (2020), [Third report on the progress made in the fight against trafficking in human beings](#)
- European Commission (2020), [Data collection on trafficking in human beings in the EU](#)
- European Commission (2020), [Study on the economic, social and human cost of human trafficking](#)
- European Commission (2020), [Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms](#)
- European Parliament (2020), [Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)
- UNODC (2020), [Global Report on Trafficking in Persons](#)

- UNODC (2020), [How Covid-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America](#)
- Council of Europe (2020), [Assistance to victims of human trafficking](#)
- European Commission (2016), [Study on the gender dimension of trafficking in human beings](#)
- European Commission (2014), [Communication on the application of Directive 2004/81/EC](#),
- ILO (2014), [Profits and Poverty: The Economics of Forced Labour](#)
- European Commission (2013): [Guidelines for the identification of victims of trafficking in human beings](#)
- European Commission (2012), [EU Strategy towards the eradication of trafficking in human beings 2012-2016](#)
- OHCHR (2010), [Recommended Principles and Guidelines on Human Rights and Human Trafficking](#)

Case law

- European Court of Human Rights, V.C.L and A.N. v. The United Kingdom, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>
- Court of Justice of the European Union (Grand Chamber) of 21 December 2011. N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) - United Kingdom and High Court of Ireland - Ireland.
- European Court of Human Rights, Rantsev v. Cyprus and Russia, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>

8 AVAILABLE STATISTICS

This study builds on the study on data collection on trafficking in human beings in the EU which provides for an in-depth analysis of criminal justice statistical data for years 2017 and 2018.⁹⁰

Information is checked against the EMN Annual Report on Migration and Asylum 2020 (ARM): to facilitate data collection, the EMN Service Provider provides the relevant datasheets on trafficking for each Member State, prepared since 2016, as part of the Statistical Report of the EMN Annual Report on Migration and Asylum.

9 METHODOLOGICAL CONSIDERATIONS

As with all EMN Studies, the National Reports should be primarily based on secondary sources. These may be supplemented by expert interviews. For example, experts working in the field (e.g. national authorities, service provider, civil society organisations, and international organisations) could be consulted to identify key challenges and good practices in the Member States in the detection, identification and protection of (presumed) third-country national victims of trafficking in human beings.

10 ADVISORY GROUP

The Core Advisory Group (AG) for this study is composed by: FR, IE, LU, NL, PL EMN NCPs, ICF (EMN Service Provider), DG HOME. Together with the following EMN NCPs (BE, CZ, EE, ES, FI, HU, LT, LV, MT, PL, SE, SI, SK, GE, MD), EASO and EUROPOL, they form the wider AG for this study.

⁹⁰ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

11 TIMETABLE

The following tentative timetable has been proposed for the development of the common template for this study:

Date	Action	By whom
20 April	AG meeting	Lead EMN NCPs, wider AG, COM, EMN Service Provider
29 April	Draft version 2 common template to be shared with core AG members (1-week deadline)	Core AG EMN NCPs (FR, IE, LU, NL, PL NCPs), Odysseus experts
19 May	Draft version 3 to be shared the wider AG and COM for comments (1-week deadline)	All EMN NCPs to review
9 June	Core AG meeting to discuss comments	Core AG EMN NCPs (FR, IE, LU, NL, PL NCPs), EMN Service Provider
17 June	Consolidated final draft to be shared with COM	EMN Service Provider
25 June	Launch of common template	EMN Service Provider
25 October	Submission of common templates	All EMN NCPs

12 TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template provided below outlines the information that should be included in the National Contributions of EMN NCPs to this Study. The indicative number of pages to be covered by each section is provided in the guidance note. For National Contributions, the total number of pages should not exceed 40 pages, including the questions and excluding the introduction of the study. A limit of 30 pages will also apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

Common template of EMN study 2021

Detection, identification and protection of third-country national victims of trafficking in human beings

National contribution from *Member State*⁹¹

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet [max. 1 page]

*The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policymakers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

Please provide a concise summary of the main findings of Sections 1-5:

Combating Trafficking in Human Beings (THB) is one of the key priorities of the Government of Georgia (GoG). Under the policy of the so-called “4P” principles the GoG is committed to take efficient measures to enhance Prevention, Protection, Prosecution and Partnership.

GoG acknowledges that combating trafficking requires **concerted interagency policy**, therefore, the Interagency Council on Combatting Trafficking in Human Beings (hereinafter – Inter-Agency Council) set up in 2006 and **chaired by the Minister of Justice** remains indispensable in adopting serious and sustainable measures on combating THB.

Notably, Georgia is in **Tier 1** according to the 2016, 2017, 2018, 2019, 2020 and 2021 United States of America (US) Reports on Trafficking in Human Beings and shares leading position among other western countries, including the EU Member States. Since 2018 only Georgia takes the position in Tier 1 comparing to other Eastern Partnership (EaP) States.

⁹¹ Replace highlighted text with your **Member State** name here.

Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE) has chosen the **Georgian Anti-Trafficking National Referral Mechanism** (*hereinafter* – Referral Mechanism) as one of **the successful** and decided to **reflect it in the revised Practical Handbook on National Referral Mechanisms of OSCE/ODIHR**. With the special invitation of the ODIHR, the representative of the Ministry of Justice (MoJ) also participated in the revision process of the Handbook.

On its part, the Group of Experts on Action against Trafficking in Human Beings (**GRETA**) of the Council of Europe (CoE) has also praised Georgia's counter-trafficking measures in its second and third evaluation reports issued in 2016 and 2021.

According to the **Global Slavery Index 2018**, the GoG was placed among those ones that have been taking the most effective actions to end human trafficking. Specifically, Georgia holds the 15th position among 167 countries (in 2016 it took 17th position). According to the same source, when it comes to the regional level Georgia ranks 1st in terms of strong governmental counter-trafficking responses.

Currently Georgia is in the process of implementation of 2021-2022 THB Action Plan (AP), which was adopted on 2 December 2020 and reflects most of European Union (EU), US, United Nations (UN) and GRETA treaty body and special rapporteurs' recommendations.

Proactive identification of THB cases, *inter alia*, among foreign citizens by **mobile groups of Ministry of Internal Affairs (MIA) and Task Force** remains key priority. The law enforcements keep inspecting different high risk areas for THB, monitor persons and organizations which offer employment in or outside of the country; organizations which ensure transportation for persons leaving the country; travel agencies; enterprises which employ foreigners, organizations and persons provided visa assistance.

When it comes to the protection and assistance of the victims the role of the **Agency for State Care and Assistance to (Statutory) Victims of Human Trafficking** (State Care Agency) should be mentioned which provides the victims and statutory victims regardless to the age, sex and nationality, with state run services, such as **legal consultation, medical and psychological assistance, one-off compensation (1000 GEL), crisis center (5 centers) and Shelter (2 THB Shelters)**. The shelters and services of the Agency for State Care are **child tailored** and aims at ensuring the best interests of the children.

On 14 April, 2021 the legislative amendment with regard to one-off **State Compensation** (1,000 GEL) came into force **simplifying the procedures** for granting the State Compensation. The amendment also applies to those victims and statutory victims who were granted the status before its adoption.

Notably, Georgia has two existing **statuses of victim and statutory victim of THB**. This is a **unique approach** aiming at not leaving any person affected by THB, including foreign citizens, beyond the protection and state run services available for them.

Georgia also pays particular attention to **expanding international cooperation** in combating cross-border trafficking through mutual legal assistance, police cooperation and becoming member of EU Agencies (EUROPOL and EUROJUST). Georgia has concluded agreements/Memoransums of Understanding (MoU) with more than 30 partner countries, including EU Member States.

Introduction:

National situation with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (2015-2020)

Q1. Please describe the main policy developments and debates that have occurred in the reference period 2015-2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings (e.g., parliamentary debates, policy reforms, draft/adopted legislation, media coverage, awareness-campaigns, relevant publications).

Response of the Government of Georgia

One of the biggest challenges for every country is to adequately respond to the modern forms of trafficking, conduct proactive investigations and protect victims. The Inter-Agency Council, set up to deal with this challenge, consists of all relevant governmental agencies, members of the Parliament of Georgia, Ombudsperson, NGOs and International Organizations, including EU Delegation to Georgia.

of Georgia, Ombudsperson, NGOs and International Organizations, including EU Delegation to Georgia.

Since 2006, in every two years, the Inter-Agency Council approves 2-year National Action Plan (NAP) under which responsible Governmental Agencies undertake commitments regarding Prevention, Prosecution, Protection and Partnership. In addition, particular attention is also paid to the capacity building activities and the development of Anti-Trafficking Policy through researches. During the reporting period, the Inter-Agency Council approved the NAPs for 2015-2016, 2017-2018, 2019-2020 and 2021-2022.

The AP is elaborated with the active involvement of all Governmental Agencies, Ombudsperson, Parliament, Non-Governmental Organisations (NGO), and International Organizations (IO). Their recommendations and feedback are reflected to the NAP. Furthermore, recommendations of EU, CoE GRETA, OSCE, UN, US Department of State and other IOs are taken into consideration and reflected to the NAP. GoG also takes into account the practice of the CoE European Court of Human Rights (ECtHR) and incorporates the standards of the Court Case Law while designing the Anti-Trafficking policy.

Notably, Georgia is in **Tier 1** according to the 2016, 2017, 2018, 2019, 2020 and 2021 US Reports on THB and shares leading position among other western countries, including the EU Member States. Since 2018 only Georgia takes the position in Tier 1 comparing to other EaP States.

OSCE ODIHR has chosen the **Georgian Anti-Trafficking national referral mechanism** as one of the **successful** and decided to **reflect it in the revised Practical Handbook on National Referral Mechanisms of OSCE/ODIHR**. With the special invitation of the ODIHR, the representative of the Ministry of Justice also participated in the revision process of the Handbook.

The OSCE Special Representative and Coordinator on for combatting THB also positively assessed the National Referral Mechanism in its report published on 5 May, 2020

On its part, **GRETA** has also praised Georgia's counter-trafficking measures in its second and third evaluation reports issued in 2016 and 2021.

According to the **Global Slavery Index 2018**, the GoG was placed among those ones that have been taking the most effective actions to end human trafficking. Specifically, Georgia holds the 15th position among 167 countries (in 2016 it took 17th position). According to the same source, when it comes to the regional level Georgia ranks 1st in terms of strong governmental counter-trafficking responses.

In 2015-2020 the following measures were taken for developing Anti-Trafficking efforts with regard to detection, identification and protection of (presumed) victims, including foreign nationals:

Legislative Developments:

Adequate legislative framework is in place since 2003 when THB was explicitly criminalized under Criminal Code of Georgia and Law of Georgia on Combating Trafficking in Human Beings was adopted in 2006.

Georgia Criminal Code criminalizes Trafficking in Adults (Article 143¹), Trafficking in Minors (Article 143²) and Use of the Service of the Trafficking Victim (Article 143³) and based on the circumstances, including aggravated ones, imposes imprisonment from 8 years to 20 years or life imprisonment.

In 2015 legal amendment was introduced to the Article 143³ of the Criminal Code aiming at encouraging the reporting of the using of services of THB Victims and security for testimonies. In particular, if a person who has used the services of the THB victim, reports about it to the law enforcements before the investigation is launched and there are no signs of other crim in his/her action, he/she will be released from criminal liability.

In 2018 new crime – pimping – was criminalized under article 254, paragraph 1 of the Criminal Code of Georgia. The sanction for pimping is fine or imprisonment up to 2 years. In case of aggravated circumstances (e.g. committed against minor) the perpetrator will be sanctioned by imprisonment from 3 to 6 years. One of the main aims of introduction of new crime was prevention and protection of children from involvement in prostitution.

GooG identifies the children living and/or working in the streets as one of the vulnerable groups for human trafficking, especially for forced labour and labour exploitation. To address the issue, the Inter-Agency Council elaborated the legislative amendments in up to 10 legal acts aiming at better **protection of children working and/or living in the streets** from any kind of violence, including human trafficking.

In particular, the elaborated legislative package had two main dimensions:

- a) 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 Social Worker. Granting the status of homeless children aims at laying down a legal framework for providing children in street situations with identification documents at no charge, making thereby education, healthcare, social security and other government services available for such children who by then had had no access to those services because of the lack of ID documents. The Social worker became entitled to refer to the Legal Entity under Public Law (LEPL) Public Service Development Agency (PSDA) operating under the MoJ, for the civil registration/identification documents for homeless children. Before then, only a child's parent or other legal representative was entitled to apply to the PSDA.
- b) The role of social worker has been increased to remove the child from family or environment where the violence was committed. This also includes the case when the violence against child takes place in the street. Before then, only police was entitled to remove a child from the abuser or violent environment.

These legal amendments came into force on 10 August 2016.

Following to these amendments, the new **Child Protection Referral Mechanism** was adopted on September 12, 2016. Unlike the previous referral instrument which was adopted by the heads of three line ministries (Minister of Internal Affairs, Minister of Internally Displaced Persons from the Occupied Territories, Labour

Health-, and Sociaill Affairs (MoH), Minister of Education and Science - MES), the new one is upgraded to a higher level and has been approved by the GoG. The Child Protection Referral Mechanism 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 have become obliged to refer the possible case of child violence to the (State Care Agency and the police. The failure to report such cases to the relevant state bodies by persons involved in the child referral mechanism will invoke administrative liability. Based on the new Child Protection Referral Mechanism, all involved agencies approved internal instruction.

The Interagency Council has currently finalized the drafting process for a 2021-2025 State Strategy for Protection of children living and/or working on the streets and its AP for 2021-2023. The documents will be adopted in the nearest future.

In order to protect children born through extracorporeal fertilization (surrogacy) from any type of violence, including human trafficking, on 22 March 2016 legal amendments were introduced to the relevant Georgian Laws and the Joint Order of the Minister of Justice and the Minister of Internal Affairs (1133, 1144; 5 April and 11 April 2016) was approved. The Joint Decree regulates the procedures for taking a child born in Georgia through extracorporeal fertilization (surrogacy) from Georgia, the grounds of the restriction of right to remove the child from Georgia and important aspects of cooperation between the respective units of the MIA and PSDA to protect the rights and best interests of a child.

The Law of Georgia on Labour Migration was adopted by the Parliament on 1st of April, 2015. The Law regulates relations falling within the field of labour migration which are related to the provision of employment for persons (citizens of Georgia, aliens holding a permanent residence permit in Georgia, and stateless persons having status in Georgia) and to their paid labour activities outside Georgia.

According to article 7 of the Law on Labour Migration a legal person, an individual entrepreneur, or a branch (representation, permanent office) of a foreign enterprise, or of a non-entrepreneurial (non-commercial) legal entity acting in the field of providing employment and/or assistance in the provision of employment outside Georgia, is obliged to register the relevant activity in the registry of economic activities in accordance with procedures and provisions established by the legislation of Georgia.

Employment and/or assistance in the provision of employment outside Georgia without registration of the relevant activity in the registry of economic activities is prohibited and punishable by the administrative liability, in particular, by a fine in the amount of 500 GEL. The same offence committed repeatedly shall result in the imposition of a fine in amount of 1,000 GEL.

On 14 April, 2021 the legislative amendment with regard to one-off **State Compensation** (1,000 GEL) came into force **simplifying the procedures** for granting the State Compensation. According to the amendment made in the Anti-Trafficking Law, THB victim/statutory victim can get the one-off compensation directly without referring to the court. Before, victims/statutory victims of human trafficking had the right to request one-off compensation from Agency of State Care in case it was impossible to get compensation from the offender through the court. This amendment also applies to those victims and statutory victims who were granted the status before its adoption.

Institutional Developments:

Reinforcing **proactive identification** of the victims is one of top priorities for GoG. Therefore, Task Force consisted of qualified investigators and prosecutors and operating in the Adjara Region of Georgia and 6 mobile inspection groups⁹² installed under the MIA continues to regularly operate in the high risk areas to proactively identify human trafficking, effectively investigate THB cases and prosecute perpetrators within the defined geographic area. Furthermore, in order to increase efforts to proactively identify victims of sexual exploitation, mobile groups of the MIA and Task Force keep inspecting different organizations including venues used for prostitution - hotels, bars, night clubs, and interviewing persons, working in the areas that represent high risk for sexual exploitation. They also monitor persons and organizations which offer employment in or outside of the country; organizations which ensure transportation for persons leaving the country; travel agencies; enterprises which employ foreigners, organizations and persons provided visa assistance. The mobile groups and Task Force interview those persons which have been employed outside of the country through employment agencies operating in Georgia. The aim of the interview is to ensure, that each worker has identity cards, they exercised their right to freedom of movement, they have been receiving the full remuneration for their work, and they were engaged in work voluntarily.

Notably, on 19 December, 2017 the Inter-Agency Council approved the **revised Guideline for the Law Enforcements** on the Investigation and Prosecution of Trafficking Cases and Treatment with Victims and Statutory Victims of THB, which initially was adopted by the Inter-Agency Council in February, 2014. The main aim of the revision was to reflect the legal amendments introduced to the Criminal Procedure Code of Georgia and respond the current trends of human trafficking.

Standard Operation Procedures (SOPs) adopted in 2015 is also actively used by the investigators, patrol police officers, staff of MIA's migration department and mobile groups of State Care Agency to proactively identify potential THB victims and collect all relevant information related to THB case.

Law enforcements are permanently trained in order to develop their skills and promote their capacity building with regard to detection of THB cases. Guidelines and SOPs are the part of each training module devoted to human trafficking.

In addition, aiming at proactively identification of THB victims among the migrants and asylum seekers, on 19 December 2017 the THB Council also approved the Guidelines on Identification of THB Victims at the Border of Georgia (border crossing and customs crossing points, land and coastal border). These **Guidelines were adopted for border police officers and Customs officials** and sets forth indicators of alleged victims and standards of interrogation/interview of THB victims, including minors and to whom to refer for assistance of alleged victim.

Particular attention is also paid to identification of labour exploitation and forced labor cases. To address this issue, Labour Inspectorate Department was established in 2015 under the MoH to check public and private organizations and reveal the alleged cases of THB, including among foreign workers. Since 1st of January, 2021 the Labour Inspectorate Department of the MoH has been formed as a separate LEPL Labour Inspection Service (LIS) under the same Ministry. The LIS is the successor of the Labour Inspectorate Department that carries out scheduled and unscheduled visits to the companies and in case of any suspicion

⁹² Mobile groups are composed of detective-investigators.

on forced labour or labour exploitation refers the case to the Central Criminal Police Department of MIA. The special unit on supervision of forced labour and labour exploitation will to be created under the LIS.

While detecting the THB cases and identifying the victims of THB law enforcements are following to the detailed instructions provided under Referral Mechanism. The Referral Mechanism was adopted upon a Governmental Ordinance N284 on Identification of a Victim and Granting a Status of Trafficking in Human Beings and foresees the detailed instructions how to identify the potential victim, to refer to the relevant institution and to provide the victim with assistance in accordance with his/her individual necessity.

It should be clarified that the Referral Mechanism ensures two possible ways in order a person to be involved in state run services. Georgian law differentiates **status of victim** of trafficking and **status of statutory victim** of trafficking. The status of victim of trafficking is granted to the person by Permanent Group (consists of 3 local NGOs and 2 international organizations (International Organisation for Migration - IOM and International Centre for Migration Policy Development - ICMPD) of Inter-Agency Council within 48 hours based on the special questionnaire of mobile group of the Agency for State Care while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia. A person enjoys the services of State Care Agency after s/he is granted the status of victim/statutory victim.

The aim of the two statuses is to ensure victim-centred approach and in case s/he does not want to cooperate with law enforcements, to offer different way/procedures for enjoying the state funded services.

Regardless to the difference in the procedure of granting the status, there is no difference between their rights during the process of investigation, prosecution and/or protection.

As for the **state run services** since 2006 the State Care Agency provide the victims/statutory victims with the following services: a) Shelters (in Tbilisi and Batumi); b) Legal aid; c) Physiological and medical assistance; d) Rehabilitation and reintegration measures, e) one-off state compensation (1,000 GEL). The victims of trafficking as well as statutory victims may stay in shelter for 3 months; however, this term might be extended in certain circumstances based on the will of (statutory) victim and order of the Director of the State Care Agency. The shelters for THB victims/statutory victims are well equipped to receive minor victims of human trafficking as well as dependent minors (aged under 18). When such a need arises, they are also entitled to receive the appropriate accommodation, age specific education and support programs tailored to their needs. In August 2015 State Care Agency amended the internal regulations of each shelter (Tbilisi and Batumi) and introduced the service of babysitter/caretaker to further enhance the protective and assisting measures for the minor beneficiaries of the Agency.

Apart from the above-mentioned services, since 2016, 5 Crisis Centers for presumed victims of THB in Tbilisi, Kutaisi, Gori, Marneuli, and Ozurgeti has been operating. The shelter is available for those persons who have already been granted the status of victim and/or statutory victim, while Crisis Centers operates for presumed victims. The Crisis Center is mainly the day-care service (except Tbilisi crisis center that operates for 24/7 and provide the presumed victims with accomodation). Crisis Centers provide the presumed victims with legal, psychological and medical assistance.

As for the **Prevention**, within the framework of the Information Strategy adopted by the Inter-Agency Council in 2014, information meetings with different target groups such as pupils, students, children in street situations, journalists, minorities and rural population is organized every year throughout Georgia. In most cases the meetings are held in Public Service Halls (PSH) and Community Centres operating under the MoJ.

In addition, TV and radio shows and advertisements are frequently devoted to THB issues.

Information leaflets (on Georgian, English, Russian, Azerbaijani, Armenian and Turkish languages) are largely being disseminated in big cities and rural areas, at state borders, airports, shelter for asylum seekers, the Temporary Accommodation Centre (TAC) for detained migrants, consular units, Tourism Information Centres etc.

Notably, in 2015-2018 Ministry of Justice issued in total 89,000 GEL to different NGOs for conducting awareness raising activities on THB, as well as on protection of children in street situations.

In addition, in 2017 in close cooperation with IOM and financial support of the US Bureau of International Narcotics and Law Enforcement Affairs (INL) an information campaign in Sarpi and Vale border check points was conducted. The leaflets, Banners, Stands and videos were produced and distributed at border check points in five languages (Georgian, Russian, Turkish, English and Persian).

Q2. Please elaborate on the characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking (including age, gender, country of origin, migration status), trafficking purposes (e.g. sexual exploitation, including forced prostitution, forced labour or services, slavery and servitude related practices, as well as the removal of vital organs), latest patterns and trends in the reference period 2015-2020.

Response of the Government of Georgia

In 2015-2020 in total 18 foreign citizens were granted the status of victim or statutory victims of THB. Out of 18, 3 were granted both statuses of victim and statutory victims of THB.

Age: adult – 18 (min. 18 and max. 45 years old), child - 0;

Gender: female - 16, male - 1;

Country of origin: Uzbekistan - 14, Ukraine – 2, Kirgizstan -1 and Turkmenistan -1;

Migration status: not recorded;

Trafficking purpose: sexual exploitation - 15, labour exploitation - 3.

In 2015 – 2020 services of the Agency for State Care were used by:

- **2015 year – 4 foreign citizens**
 - Citizen of Uzbekistan, 29 years old, female, sexual exploitation
 - Citizen of Uzbekistan, 30 years old, female, sexual exploitation
 - Citizen of Uzbekistan, 31 years old, female, sexual exploitation
 - Citizen of Uzbekistan, 23 years old, female, sexual exploitation
- **2016 year - 3 foreign citizens**
 - Citizen of Uzbekistan, 21 years old, female, sexual exploitation
 - Citizen of Uzbekistan, 18 years old, female, sexual exploitation
 - Citizen of Uzbekistan, 27 years old, female, sexual exploitation
- **2017 year - 4 foreign citizens**
 - Citizen of Ukraine, 39 years old, female, labor exploitation

- Citizen of Ukraine, 38 years old, female, labor exploitation
- Citizen of Uzbekistan, 45 years old, female, sexual exploitation
- Citizen of Uzbekistan, 36 years old, female, sexual exploitation
- **2018 - 2 foreign citizens**
 - Citizen of Uzbekistan, 39 years old, female, sexual exploitation
 - Citizen of Uzbekistan, 27 years old, female, sexual exploitation
- **2019** - all identified victims/statutory victims were Georgian citizens therefore, none of foreign citizens enjoyed the services.
- **2020 year - 3 foreign citizens**
 - Citizen of Turkmenistan, 40 years old, male, transnational, labor exploitation
 - Citizen of Kyrgyzstan, 31 years old, female, transnational, sexual exploitation
 - Citizen of Uzbekistan, 33 years old, female, transnational, sexual exploitation

Most victims and statutory victims are sexually exploited women in Georgia. Traffickers promise victims to be employed in hospitals, beauty salons, restaurants and hotels in Georgia, and be paid high salaries; however, they are not paid adequately of the promises. Traffickers take victims to various disco clubs, bar-restaurants, where pre-selected clients meet them, and the trafficker forces the victim to follow the client to various hotels in order to have sexual intercourse with him, and the trafficker takes the money from client in advance. There still are the several cases of deprivation of passports/identification documents; restriction and control of free movement and communication, psychological coercion and blackmailing and/or physical violence.

Section 1: Detection of third-country nationals (presumed) victims of trafficking in human beings

Q3. Please describe the national procedures to detect (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

a) Are there measures in place to detect (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please further elaborate in the table below.

Measures in place to detect (presumed) third-country national victims of trafficking in human beings	Details
Self-reporting	<p>The presumed victims can self-report about the case of THB through the hotlines. Apart from the general emergency hotline (112), there are two special hotlines for reporting on THB cases:</p> <ol style="list-style-type: none"> 1. 116 006 - operating 24/7 under the State Care Agency in 8 different languages (Georgian, English, Russian, Turkish, Azeri, Armenian, Arabic and Persian languages). 2. 2411 714 – operating 24/7 under Central Criminal Police Department (CCPD) in Georgian, Russian and English languages.

	<p>Everyone is able to take professional consultations from qualified operators.</p> <p>In case of anonymous report, the Labor Inspection Service also carries out unscheduled inspections.</p>
Awareness raising campaigns	<p>Information meetings with different target groups are organized every year throughout Georgia. TV and radio shows and advertisements are frequently devoted to THB issues. Multilingual Information leaflets are largely being disseminated in big cities and rural areas, at state borders, airports, shelter for asylum seekers, the Temporary Accommodation Centre for detained migrants, consular units, Tourism Information Centres etc. During the awareness raising campaigns people are provided information about the THB crime and related risks, services available for THB victims and special hotlines where they can report.</p> <p>Mobile groups and Task Force also disseminate leaflets while checking high risk areas and interviewing persons belonging to the risk groups.</p>
Collection of indicators	<p>SOPs adopted in 2015 includes detailed indicators for different types of exploitation. During detecting process of THB crime the investigators, patrol police officers, staff of MIA's migration department and mobile groups of State Care Agency actively take into account these indicators and collect all relevant ones while analysing the possible case of THB. Border police officers and Customs officials also have special guideline with indicators while interviewing foreign citizens at the border check points.</p>
Intelligence gathering by investigative services (e.g. police, labour inspectorate)	<p>The law enforcements collect and obtain Intelligence for detection of THB crime through checking different high risk places, open internet space, web-pages etc. labor inspectors also check the companies, interview the employees and gather all relevant information for detection of THB cases. Law enforcements, as well as Financial Monitoring Service and Investigation Service of the Ministry of Finance of Georgia, Labor Inspection Service are permanently trained on detection of THB crime.</p>
Proactive screening in asylum procedures	<p>Migration Department at the MIA is a competent authority in charge of international protection related issues. Article 3 (paragraph - w) of the Law of Georgia on International Protection establishes the list of the persons with special needs. In particular, in accordance with the aforementioned Article, for the purposes of the asylum procedure, the (presumed) victim of the THB is considered to be a person with special needs. As for the national procedures to detect (presumed) third country national victims of THB, potential asylum-seekers (an alien or stateless persons who are not stateless persons with a status in Georgia) makes a request for international protection which is the primary phase of the asylum procedure. When asylum-seeker expresses</p>

	<p>the will to receive an international protection in writing, s/he describes main characteristics of her/his individual circumstances which have become the basis for the request for international protection in Georgia. The latter means that person concerned have to explain the basic grounds for his/her will to receive international protection in Georgia, therefore the mere possibility to detect victims of the THB is relatively high on diverse stages of the asylum procedure, including on the first stage – a) while making written request for international protection and b) when an asylum-seeker is being consulted about his/her rights and responsibilities at the MIA. According to the Law of Georgia on International Protection, after the registration of an application for international protection is made, primarily an asylum-seeker undergoes the profiling and afterwards – basic interview. Hence, detection of the (presumed) victim of the THB is implemented on several stages during the asylum procedure. Particularly, the (presumed) victim of the THB can be identified when asylum-seeker makes request for international protection, his/her request is registered and s/he is being consulted about his/her rights and responsibilities by an authorized official at the MIA. In accordance with the existing practice and relevant legislation, the presumed THB victims can be detected by the authorized officials during the profiling and interview procedure, as well as while assessing and analysing the materials related to the aforementioned procedures.</p> <p>According to the Article 18 of the Decree of the MIA on the asylum procedure (№ 33), when an authorized official responsible for receiving asylum-seekers’ request for international protection, identifies the person with specific needs (including presumed victim of the THB), s/he also sets special rules of treatment to this category of asylum-seekers. In case of detection of presumed victim, the case is immediately referred to Central Criminal Police Department of the MIA or in the Agency for State Care in case a presumed victim does not want to cooperate with law enforcements. The asylum cases officers are trained permanently on national referral mechanism and indicators on detection and protection of (presumed) victims of THB.</p>
<p>Proactive screening in migration procedures</p>	<p>As mentioned above, mobile groups and Task Force regularly operate in the border check points, interview the Georgian citizens and foreigners to detect possible THB cases, They also monitor persons and organizations which offer employment in or outside of the country; transport companies (for examples companies offering international transportation by buses); travel agencies; enterprises which employ foreigners, organizations and persons provided visa assistance. Migration Departments of the MIA, as well as border police and customs officials also use special guidelines and SOPs for proactive screening of presumed victims in migration procedures.</p>

Other	Apart from the law enforcements, a person can also be granted THB victim status by the permanent group operating under the Inter-Agency Council. In case a presumed victim wants to be granted the status of victim, mobile group of Agency for State Care consisted of a lawyer and psychologist, interview the presumed victim based on special questionnaire and send the filled questionnaire to the Permanent Group for further consideration and decision on granting or not a person with the status of THB Victim. If necessary, the Permanent Group can also interview the presumed victim. In case of a foreigner, Interview is conducted with the assistance of an interpreter, in a language a foreigner understands.
-------	---

b. What measures are in place to promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings?

To promote and facilitate self-reporting by (presumed) victims of THB, the information meetings are permanently organized throughout Georgia, including in the shelter for asylum seekers, multilingual leaflets indicating information about THB, services for THB victims and hotlines are also permanently disseminated in big cities and rural areas, at state borders, airports, shelter for asylum seekers, the Temporary Accommodation Centre for detained migrants, consular units, Tourism Information Centres etc.

c. Please indicate whether (and in what way) these specific measures differ for any of the cases below.

There are no special measures in place to detect (presumed) foreign citizen victims of THB. The measures discussed above are the same for detection of Georgian and foreign citizens.

Specific measure to detect (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	N/A
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	N/A
who are voluntary returnees	N/A
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	N/A
who are in an irregular situation	N/A

d. What procedural safeguards exist for each category presented above?

There are not different procedural safeguards for (presumed) victims and statutory victims of THB among the different categories. During the detection process, the (presumed) victim and statutory victim of THB is immediately explained that he/she has a right to enjoy the reflection period (30 days) whether he/she wants to cooperate with law enforcement and that he/she has right to address the State Care Agency and enjoy the state run services (shelter, crisis center, free legal aid, medical and psychological assistance, rehabilitation and reintegration programs). The personnel involved in detection process provides the (presumed) victim/statutory victim of trafficking with full information on Georgian legislation and his/her rights in the language he/she understands (if needed the service of interpreter is used).

e. What organisations / authorities are trained / competent to detect (presumed) third-country national victims of trafficking)?⁹³

GoG pays particular attention to the capacity development for the officials working on THB issues. The line ministries closely cooperate with each other as well as US Embassy to Georgia/INL, NGOs and international organizations (EU, IOM, ICMPD, OSCE/ODIHR) to identify training needs on THB issues. The cooperation foresees well-structured training planning including analysing the needs for trainings, identification of the topic, relevant target group, cooperation and communication with relevant agencies and trainers, developing training modules/curriculum/agenda and implementing such trainings on later stage. Every year the trainings are delivered by Georgian and foreign experts focused specifically on the one target group or several target groups through joint capacity building activities (e.g. investigators, prosecutors and staff responsible for provision of services to victims are trained together to build capacity and strengthen coordination between themselves).

Organisation / authorities	Trained to detect (presumed) third-country national victims of trafficking? Y/N	Competent to detect (presumed) third-country national victims of trafficking? Y/N	Details
Police	Y	Y	MIA has institutionalized specific trainings on trafficking in persons in the study curricula of the MIA Academy. Academy has included trafficking issues in the mandatory basic curriculum for the border guards, patrol police and precinct police. Students receive general information on trafficking in persons, study Georgian legal

⁹³ EMN NCPs are invited to address this question by using as source the European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

			<p>framework on combating human trafficking, receive instructions how to identify and treat victims of trafficking in persons. Curriculum also includes practical training on trafficking related issues; they are trained to identify possible victims or traffickers. All police undergo basic training at the MIA Academy. Trafficking is also covered in the criminal and administrative legislation sections and the human rights portion of the academy instruction.</p> <p>In 2019, in close cooperation with CCPD and the Academy of MIA, special training module on trafficking issues was updated. In 2019 special Guidebook on Human Trafficking was adopted based on which the law enforcements of the MIA are delivered detailed trainings not only on the legal framework of the TIP, but also TIP indicators and practical cases</p>
Border guards	Y	Y	<p>Apart from the trainings delivered in the Academy of MIA, Border guards and customs official are trained on THB issues in every 2 years with the involvement of foreign experts.</p>
Labour inspectors	Y	Y	<p>Labor inspectors are trained every year with the involvement of Georgian and foreign experts. The Trainings are organized in close</p>

			cooperation with IOM, International Labour Organisation (ILO) and financial support of EU and INL.
Migration services	Y	Y	Migration Department of the MIA are informed and instructed on THB crime and how to detect and to whom to refer the alleged crime of THB for further identification.
Asylum case officers	Y	Y	Training of asylum case officers is one of the obligation undertaken under the 2-years NAPs on THB, therefore the mentioned officers are trained in every 2 years.
General practitioners	Y	Y	<p>Lawyers of the Legal Aid Service that is responsible to provide free of charge legal consultations for everyone and the free of charge legal aid for children statutory victims at every stage of criminal proceedings are permanently trained on THB issues.</p> <p>Legal Aid Service is funded from the State's Budget.</p> <p>Judges and the assistants to the judges are also permanently trained by High School of Justice. Training of Health workers is one of the obligation undertaken under the NAP for 2021-2022.</p> <p>every year consular and diplomatic staff of Georgia is also trained on THB issues. They also have special guidelines on</p>

			THB and assistance to THB victims.
Other health workers	N	Y	Training of health workers is one of the obligation undertaken under the NAP for 2021-2022.
Employers	N	N	
Trade unions	N	N	
Civil society organisations	y	y	Trainings are also organized every year for the members of the permanent group (3 local NGOs and 2 IOs).
Others	Y	Y	<p>Pertinent trainings are gradually conducted for the employees of the prosecution service, aimed at their capacity building. In the frame of this trainings significant issues are discussed, such as identification and supporting of human trafficking victim, special investigative techniques, peculiarities of prosecuting human trafficking, methodological standards of evidence collection and assessment, international co-operation between law enforcement agencies and other matters.</p> <p>In addition, trainings are conducted for the witness and victim coordinators, which counsel human trafficking (statutory) victims and provide them with information on the progress of investigation.</p> <p>In order to recruit new qualified human resources, the prosecution</p>

		<p>service of Georgia, practically each year announces contest for intern selection. Subsequently, selected successful contestants undergo 2-month training course before being appointed. Along with other important topics, the training course includes a module on crimes related to human trafficking and illegal migration.</p> <p>Permanent trainings are also conducted for the Staff of Agency for State Care who are responsible to provide services to (presumed) victims and statutory victims.</p> <p>For effective detection of (presumed) victims and statutory victims the trainings are also organized for the staff of PSHs and Community Centers who are responsible to provide public services and have daily communication with Georgian and foreign citizens.</p>
--	--	---

f. Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the detection of (presumed) third-country national victims of trafficking in human beings?⁹⁴

In case of the detection process by the law enforcements, the (presumed) statutory victims are detected by:

- Identifying and registering places at risk of trafficking by the mobile groups and surveying people at risk;
- Implementing proactive measures by checking the high risk areas and interviewing persons working there;
- Allowing prompt and effective investigation of the criminal cases of human trafficking.

⁹⁴ Ibid.

As for other personnel (e.g. labour inspectors, border guards, asylum case officers, etc.) involved in detection process, they have special guidelines and indicators that should be taken into consideration and in case of any suspect that a person is a victim of THB, the case is immediately referred to Central Criminal Police Department of the MIA. In case a presumed victim does not want to cooperate with law enforcements, then the case is immediately referred to the mobile groups of the State Care Agency. In such case special questionnaire is filled to identify the story of the presumed victim and referred to Permanent group for further deciding the issue of granting a person with the status of victim. In case of a child presumed victim, the case is also immediately referred to the State Care Agency as a body for custody and guardianship. When it comes to the detection of THB (presumed) victims by the mobile groups of Agency and the Permanent Group, the work of latter is not proactive and in case a (presumed) victim is referred to the mobile group of Agency by other staff involved in referral mechanism or a (presumed) victim reported herself/himself, the mobile group interviews the presumed victim and sends the filled questionnaire to the Permanent Group for further consideration.

Notably, if a person was granted the THB victim status abroad, he/she is not automatically granted the status of victim or statutory victim in accordance to Georgian legislation. A foreign citizen can be granted the status of victim or statutory victim only in case the criminal act against him/her started, continued or ended in Georgia.

Section 2: Identification of (presumed) third-country national victims of trafficking in human beings

Q4. Please describe the national procedures to identify (presumed) third-country national victims of trafficking in human beings, by answering to the following questions:

a) What organisations / authorities are competent to identify (presumed) third-country national victims of trafficking?

Organisation / authorities	Competent to identify (presumed) third-country national victims of trafficking? Y/N	Details
Police	Y	Police identifies presumed victims, however, the official status of statutory victim of THB is granted by the prosecutor in accordance with the Criminal Procedure Code of Georgia.
Border guards	N	
Labour inspectors	N	
Migration services	N	
Asylum case officers	N	
Civil society organisations	Y	When it comes to the official identification of the victim of THB, as described above, the victim status is granted by the Permanent Group consisted of 3 local NGOs and 2 IOs.

Others	N	
--------	---	--

b) Are there specific measures in place to identify (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please elaborate.

c) Please indicate whether (and in what way) these specific measures differ for any of the cases below.

When it comes to the identification of (presumed) victims and statutory victims of THB, there is no specific measures/procedures with regard to Georgian or foreign citizens, as well as for any categories mentioned below. The procedures are the same regardless of nationality, vulnerability, etc.

Specific measure to identify (presumed) third-country national victims of trafficking in human beings:	Details
within asylum procedures	
within other migration procedures (e.g. seasonal workers, domestic workers, au pairs, students)	
who are voluntary returnees	
who fall under other categories included in the definition of vulnerable persons adopted for this study (e.g. minors, unaccompanied minors, disabled people, elderly people, pregnant women)?	
who are in an irregular situation	

d) Does a (presumed) third-country national victim have to be formally identified by a competent authority in order to apply for / be granted a reflection period / residence permit / protection status? Yes No

There is no official procedure for a person to be identified as presumed victim. Reflection period, residence permit and protection services are available for presumed victims as well as for officially identified victims and statutory victims.

e) Please describe how national referral mechanisms (or alternative mechanisms in absence of one) have evolved in the identification of (presumed) third-country national victims of trafficking in human beings?⁹⁵

⁹⁵ Ibid.

As mentioned above, the Referral Mechanism was adopted upon the Governmental Ordinance N284 on Identification of a Victim and Granting a Status of THB and foresees the detailed instructions how to identify the presumed victim, to refer to the relevant institution and to provide the victim with assistance in accordance with his/her individual necessity. The Referral Mechanism sets forth general rules about which entities/agencies are authorized to identify the presumed trafficking victims. Border Police and Patrol Police, alongside with other departments of the MIA, are the key structures, which puts the Referral Mechanism into operation.

Referral Mechanism ensures two possible ways in order a person to be involved in state run services. Georgian law differentiates **status of victim** of trafficking and **status of statutory victim** of trafficking. The status of victim of trafficking is granted to the person by Permanent Group (consists of 3 local NGOs and 2 international organizations (IOM and ICMPD) of Inter-Agency Council within 48 hours based on the special questionnaire of mobile group of the State Care Agency while the status of statutory victim of trafficking is granted by law enforcement authorities in accordance with Criminal Procedure Code of Georgia. A person enjoys the services of the State Care Agency after he/she is granted the status of victim/statutory victim.

Regardless to the difference in the procedure of granting the status, there is no difference between their rights during the process of investigation, prosecution and/or protection.

When a presumed THB victim is identified, he/she is relocated to specific area awaiting the arrival of legal and psychological counsellors. If the suspicion of trafficking is confirmed, presumed victims are transferred to specially allocated shelters for trafficking victims, where they are provided with state funded services. Law enforcement bodies and a State Care Agency provide the victims/statutory victim of trafficking with full information on Georgian legislation on human trafficking, his/her rights and legal proceedings in a language he/she understands. The statutory victim and witness as well as persons providing legal services and assistance to them have the right to request protection of their own security and security of their family members at any time, in accordance with procedures established by the Georgian legislation.

Additionally, the role of Witness and Victim Coordinators (WVC) Service is important during the criminal proceedings. The main function of the W C is to facilitate communication between citizens and investigator/prosecutor/court and to provide them with detailed information related to the progress of proceedings. This also encourages the (presumed) victim/statutory victim of trafficking to cooperate with law enforcement. The WVC operates in different regions of Georgia.

As for the foreigners who were granted the status of victim/statutory victim of THB, based on their will foreigners are returned safely or granted the residence permit for ensuring their legal stay in Georgia.

Section 3: Protection of (presumed) third-country national victims of trafficking in human beings

Q5. In line with the Anti-trafficking Directive, please describe in the table below what kind of assistance, support and protection (presumed) third-country national victims of trafficking in human beings are given access to in your Member State who are in the reflection period, in the Dublin III procedure, in the asylum procedure or who have a valid authorization to stay (residence permit, short term visa or visa-free stay) respectively. Please also indicate, for each type of assistance the competent authority that can trigger its provision.

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Information on risks and protection mechanisms.	State Care Agency, MIA or any other relevant body to whom the presumed victims referred.	As EU directives and regulations do not apply for Georgian procedures, Dublin III Regulation and its procedure does not apply.	Asylum case officer.	State Care Agency, MIA or Prosecutor's Office of Georgia.	State Care Agency, MIA or Prosecutor's Office of Georgia.
Appropriate and safe accommodation.	State Care Agency.	N/A	State Care Agency..	State Care Agency..	State Care. Agency.
Necessary medical treatment.	Agency for State Care.	N/A	State Care Agency..	State Care Agency..	State Care Agency..
Counselling and information.	State Care Agency, or any other relevant body to whom the presumed victims referred.	N/A	State Care Agency and WVCr (in case a person is cooperating with law enforcements).	State Care Agency and WVC under MIA and Prosecutor' Office (in case a person is granted the status of Statutory Victim).	State Care Agency and WVC of Prosecutor' Office (in case a person is granted the status of Statutory Victim).
Legal assistance.	State Care Agency. Only legal consultation of LEPL Legal Aid Service for presumed victims.	N/A	State Care Agency in any proceedings and LEPL Legal Aid Service in civil and administrative lawsuits. In case of criminal proceedings the legal assistance of the Legal Aid	State Care Agency and LEPL Legal Aid Service (in same conditions as in case of asylum procedures) .	State Care Agency and LEPL Legal Aid Service (in same conditions as in case of asylum procedures).

			Service is available for only children statutory victims, if the child does not have his/her lawyer. The legal assistance of Legal Aid Service is not available for adult statutory victims of THB in criminal proceedings.		
Translation and interpretation.	State Care Agency, MIA or any other relevant body to whom the presumed victims referred.	N/A	Migration Department of MIA.	State Care აგნცია , MIA or any Prosecutor’s Office of Georgia.	State Care Agency, MIA or any Prosecutor’s Office of Georgia.
Psychological assistance.	State Care Agency.	N/A	State Care Agency.	State Care Agency.	State Care Agency.
Subsistence (material assistance).	State Care Agency (in case a person is already granted the status of victim).	N/A	State Care Agency (in case a person is already granted the status of victim or statutory victim).	State Care Agency (in case a person is already granted the status of victim or statutory victim).	State Care Agency (in case a person is already granted the status of victim or statutory victim).
Social and economic integration.	State Care Agency.	N/A	State Care Agency (in case a person is already granted the status of victim or statutory victim).	State Care Agency.	State Care Agency.
Protection against re-victimisation.	State Care Agency and/or LEPL Agency of Crime Prevention, Enforcement of Non-Custodial Sentences and Probation (e.g. in case a child is characterized by anti-social behavior).	N/A	State Care Agency and/or LEPL Agency of Crime Prevention, Enforcement of Non-Custodial Sentences and Probation (e.g. in case a child is characterized by anti-social behavior).	State Care Agency or LEPL Agency of Crime Prevention, Enforcement of Non-Custodial Sentences and/or Probation (e.g. in case a child is characterized by anti-social behavior).	State Care Agency or LEPL Agency of Crime Prevention, Enforcement of Non-Custodial Sentences and/or Probation (e.g. in case a child is characterized by anti-social behavior).

Other					
-------	--	--	--	--	--

Q6. How does your Member State apply the principle of non-refoulement for victims of trafficking in human beings? Please indicate whether (and in what way) specific measures differ from general practice.

Q7. How does your Member State implement Article 60 and 61 of the 'Istanbul Convention'?⁹⁶

Joint Answer for Questions 6 and 7

According to the article 61 of the Georgian law on “the Legal Status of Aliens and Stateless Persons” an alien reasonably assumed to be a victim of, or affected by, the crime of trafficking, – during the period of reflection prescribed by the Law of Georgia on Combating Human Trafficking may not be removed from Georgia.

Apart from it, article 3 (paragraph - w) of the Law of Georgia on International Protection establishes the list of the persons with special needs. In particular, in accordance with the mentioned Article, for the purposes of the asylum procedure, the (presumed) victim of the trafficking in human beings is considered to be a person with special needs. Furthermore, Article 8 of the Law is in full compliance with the 1951 Refugee Convention and therefore establishes the principle of non-refoulement as follows: *“1. An asylum seeker or an internationally protected person shall not be returned or refouled to the border of the country where his/her life or freedom is endangered on the grounds of his/her race, religion, nationality, affiliation to a certain social group or political views”.*

Moreover, under Georgian asylum legislation, there are three forms of international protection: Refugee Status, Humanitarian Status, and Temporary Protection. Under the Law of Georgia on International Protection, refugee status shall be granted to an alien or stateless person, who is outside the country of origin due to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and is unable or, owing to such fear, is unwilling to avail himself of the protection of the country of origin. Humanitarian status is granted to an alien or stateless person, who does not qualify as a refugee, but in respect of whom there are reasons to believe that upon return to the country of origin, the person will face a real risk of suffering serious harm. Serious harm consists of: (a) the death penalty or threat to execution; or (b) torture or inhuman or degrading treatment or punishment of an asylum-seeker in the country of origin; or (c) serious and individual threat to a person's life by reason of indiscriminate violence, aggression in situations of international or internal armed conflict or mass violation of human rights.

In case of reviewing the asylum claim based on the gender-based violence, the relevant factual circumstances are taken into consideration. The application is examined individually, objectively and impartially by competent officials of MIA. The competent official of MIA takes all reasonable measures with a view to collect necessary information and available material evidence for the assessment of the application on international protection; as well as analyses collected country of origin information.

Q8. Please describe what typology(ies) of reflection periods, residence permit(s), protection status(es) and national programme(s) are available to protect (presumed) third-country national victims of trafficking, by answering the following questions.

a) What organisations / authorities are competent to trigger the request for a (presumed) victim to remain on the territory of your Member State? Please indicate if the organisations / authorities differ between cases of presumed and identified third-country national victims of trafficking in human beings.

⁹⁶ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, last accessed on 9 May 2021.

In case a foreign national victim/statutory victim would like to stay in the territory of Georgia, to ensure his/her legal stay, the PSDA issues residence permit for the (presumed) (statutory) victim for the term of maximum 6 years. The term can also be expanded for the same time.

The residence permit is available for presumed victims as well as for officially identified victims and statutory victims of THB.

For issuing the residence permit, the MIA, Prosecutor's Office or the Agency for State Care is entitled to refer to the PSDA. In case a person is a presumed victim or officially identified victim the Agency for State Care may refer the PSDA, as for the officially identified statutory victims, the competent authority for referring to PSDA is Agency for State Care, as well as MIA and Prosecutor's Office of Georgia.

Apart from it, if a person is a (presumed) victim/statutory victims, s/he may be granted international protection if there is threat to his/her health, life or freedom if he/she returns to the country of his/her origin. In such case the presumed victim shall apply to the Migration Department of the MIA by himself/herself or through his/her authorized representative.

b) Can third-country national victims of trafficking in human beings submit a request for a reflection period themselves? Yes No

If so, to whom? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

There is no procedures regulated under Georgian Legislation to whom a Georgian or foreign citizen victim of THB shall refer for enjoying the right for a reflection period which is 30 days. A person can automatically enjoy this right and 30 days shall be calculated from the day s/he applies to the shelter, law enforcements or any other relevant body.

c) Does your Member State provide for a reflection period also for presumed third-country national victims of trafficking in human beings? Yes No

d) How long does the reflection period last to decide if presumed third-country national victims of trafficking in human beings want to cooperate with the authorities? Does it have the same duration in case it is provided to identified victims?

The period for reflection period for presumed as well as officially identified victims is 30 days.

e) Are (presumed) third-country national victims of trafficking in human beings expected to cooperate with the authorities during the reflection period? Yes No

If so, what is expected from them (e.g. report to the police, refer to support organisations, discontinue contact with traffickers)? Does cooperation differ between identified and presumed third-country national victims of trafficking in human beings?

f) What type of residence permit(s) are available specifically for (presumed) victims of trafficking in human beings in your Member State? Please indicate if this possibility exists for both cases of presumed and identified third-country national victims of trafficking in human beings and the extent to which they differ.

Georgian legislation ensures the possibility to issue special residence permit for presumed victim as well as for officially identified victim and statutory victims. Such resident permit shall be issued for the period of foreigner's anticipated stay in Georgia (e.g. during reflection period or during the period of criminal proceedings), but no more than for six years; The residence permit shall be extended under the same conditions as issued.

g) What are the conditions for getting these permit(s) granted? Do conditions differ between presumed and identified (i.e. not yet identified) third-country national victims of trafficking in human beings?

As mentioned above special residence permit is available for presumed victims and officially identified (statutory) victims of THB. Such resident permit shall be issued for the period of foreigner's anticipated stay in Georgia (e.g. during reflection period or during the period of criminal proceedings), but no more than for six years; for issuing the residence permit, the agency implementing legal proceedings (Agency for State Care, Prosecutor's Office and MIA) can apply to the PSDA. There is no different condition for residence permit for presumed victims and officially identified (statutory) victims.

h) Are other protection status(es) and national programme(s) offered to protect (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please indicate the extent to which they differ between presumed and identified third-country national victims of trafficking in human beings.

According to Article 15 of the Law of Georgia on Trafficking in Human Beings victims and statutory victims of human trafficking regardless of nationality shall be discharged from liability for committing actions under Article 344 (Illegal crossing of the state border of Georgia) and Article 362 (Making, sale or use of a forged document, seal, stamp or blank forms) of the Criminal Code of Georgia, Article 172³ (Prostitution) and Article 185 (Residing in Georgia in violation of the registration rules established for Georgian citizens and aliens residing in Georgia) 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 statutory victims of human trafficking.

Section 4: International cooperation between Member States and with third countries in addressing detection, identification and protection of (presumed) third-country national victims of trafficking in human beings?

Q9. Please describe how your Member State cooperates within the scope of the Dublin III Regulation: N/A

a) How does your Member State deal with cases of (presumed) third-country national victims of trafficking in human beings that fall under the Dublin III Regulation?

b) What is the national policy and practice regarding Dublin transfers of (presumed) third country national victims of trafficking in human beings?

c) How does identification and referral take place during the Dublin Procedure?

d) Are presumed third country national victims of trafficking in human beings identified during the Dublin procedure entitled to a reflection period? Yes No

e) What, if any, are the situations in which Dublin transfers are halted for presumed third-country national victims of trafficking in human beings?

f) Has your Member State used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings? Yes No

Q10. What (other) intra-EU cooperation mechanisms are in place regarding detection, identification and protection of (presumed) third-country national victims of trafficking in human beings? ⁹⁷

Q11. What cooperation mechanisms with third countries, if any, are in place in your Member State regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings?

Q12. Does your Member States cooperate with third countries in the context of voluntary return of (presumed) third-country national victims of trafficking in human beings? Yes No

If so, in what way?

Q13. Is your Member State considering any future cooperation mechanisms with third countries and with other Member States regarding detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings? Yes No

If so, please explain.

Joint Answer for questions 10-13

Expanding international cooperation in combating cross-border trafficking is one of the important dimension of Georgian Anti-Trafficking Policy. In this regard, General Prosecutor's Office actively cooperates with partner states through mutual legal assistance in criminal matters, as well as the MIA – within the framework of police cooperation.

Notably, Georgia has concluded international agreements/MoUs on cooperation in the field of combating crime and police cooperation with more than 30 countries - Armenia, Austria, Azerbaijan, Belarus, Bulgaria, China, Czech Republic, Egypt, Estonia, Fiji (MoU), France, Germany, Greece, Hungary, Israel, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, Moldova, Poland, Qatar (MoU), Romania, Slovakia, Spain, Sweden, Turkey, Ukraine, UK (MoU), USA (MoU) and Uzbekistan.

Draft Agreements are also prepared for the signature with some other European and Asian countries.

Furthermore, Georgian law enforcement agencies closely cooperate with partner countries with police attaches. **16 Georgian police attachés** are deployed in the following countries: Armenia, Austria, Azerbaijan, Belarus, Belgium (simultaneously a MIA liaison officer to Nort Atlantic Treaty organisation - NATO), Czech Republic, France, Germany, Greece, Italy, Netherlands (simultaneously a Georgian liaison officer to EUROPOL), Poland (covering Estonia, Latvia and Lithuania), Spain, Sweden (covering Denmark and Finland), Turkey and Ukraine.

⁹⁷ EMN NCPs are invited to address this question by using as source the EMN AHQ 2019.91 on [victims of trafficking of human beings exploited in another Member State](#), requested by LU NCP on 10 October 2019, last accessed on 13 June 2021. The AHQ was not made publicly available on the EMN website.

In April 2018, the MIA transformed International Criminal Cooperation Centre into International Law Enforcement Cooperation Centre, and thus incorporated all units' competent for international operational cooperation under one centre. The National Central Bureau of INTERPOL, which previously acted as a separate unit at the MIA, was integrated in the centre and new structural units: National Contact Point of EUROPOL and single 24/7 unit (serving for EUROPOL, INTERPOL and GUAM) were established within the new centre. This structural change enhanced the coordination and effectiveness of international operational law enforcement cooperation.

On April 4, 2017, Georgia signed Agreement on Operational and Strategic Cooperation with EUROPOL. On March 9, 2018, the Memorandum of Understanding on Secure Communication Line and Liaison Agreement were signed with EUROPOL. The Parliament of Georgia ratified the Memorandum, which entered into force on June 20, 2018. On September 1, 2018, Georgian liaison officer was deployed to EUROPOL's Headquarters. The liaison officer also serves as a police attaché to the Netherlands.

The 4-years process of negotiations on conclusion of bilateral Agreement between Georgia and EUROJUST was also finalized successfully by signature of the Agreement on 29 March, 2019, in the Hague, Netherlands. The Agreement entered into force on 27 July, 2019. Since 1 June, 2020 Georgian Liaison Prosecutor has been deployed to EUROJUST.

Cooperation with EUROPOL and EUROJUST will further develop existing legal and institutional mechanisms so that to provide for convergence with EU standards and policies within the framework of judicial cooperation in criminal matters. This cooperation will strengthen joint EU/Georgia institutional and policy capacity to deal with transborder crimes, including human trafficking.

Section 5: Key challenges and good practices in Member States, including in light of the COVID-19 pandemic.

Q14a. What are the key challenges faced in the i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings?

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<p><i>Please describe the challenge.</i></p> <p>Taking into account that cybercrime and crimes committed by using ICTs constitutes one of the main challenges for 21st century, detection of THB cases through ICTs is one of the recently identified challenge for Georgia. The legislation as well as capacity of relevant law enforcements is not well developed however, Georgia has already started capacity building activities for investigators and prosecutors and planned to analyse its legislation and institutional capacity in the mentioned area in the nearest future.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>For policy makers as well as for relevant law enforcements responsible in detection of online THB.</p> <p>b) Why is it considered a challenge?</p> <p>As mentioned above, the legislation as well as capacity of relevant law enforcements is not well developed.</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p> <p>The source is identified cases in Georgia.</p>	<input checked="" type="checkbox"/> Detection <input type="checkbox"/> Identification <input type="checkbox"/> Protection
<p><i>Idem</i></p> <p><i>Please describe the challenge.</i></p> <p>One of the challenge regarding identification and protection is children working and/or living in the streets. GoG identify these children as one of the vulnerable groups for THB crime. In order to identify children in street situations, 6 mobile groups under the MoH is in place since 2013. These mobile groups work in Tbilisi, Kutaisi and Rustavi (where most of these children work/live) and are comprised of psychologist, peer</p>	<input type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

educator and driver/logistics officer. Mobile Teams are spearheaded by state senior social workers. After child is identified s/he can be enrolled by an authorized State Senior Social Worker at the appropriate service (6 day care centres and 6 shelters).

In 2014-2020 in total 2071 homeless children were identified. Among the children there are Georgian, Azeri, Moldavian, Roma and several other nationals. These children are mostly begging in the streets.

Apart from the mentioned mobile groups, mobile groups of MIA and Task Force also proactively interview children working and/or living in the streets.

Georgia had several successful identified cases of THB by involving children in forced begging. Despite the legislative amendments and institutional reforms, as well as efforts taken by law enforcements and mobile groups of MoH, identification of children in street situation and, especially, their protection by removing them from streets and enrol in state run services, including education programs is a challenge, since children lack the will to be removed from streets.

Also answer the following questions:

a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

The above mentioned issue is a challenge for policy-makers, competent authorities, other countries whose nationals are these children, as well as NGOs and IOs working with these children.

b) Why is it considered a challenge?

Even though these children are identified and provided with the services, most of children return back to the street since it is a good source for them for earning money.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Different surveys and analysis made by state agencies and international organizations, as well as reports of international monitoring bodies (UN, OSCE, CoE) and Ombudsperson are the source for the statement.

Please elaborate by answering to the following questions

Q14b. What are the specific challenges at any of the above stages concerning vulnerable persons or asylum applicants?

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<p><i>Please describe the challenge.</i></p> <p>Please see above detailed description of the challenge regarding children in street situations as one of the vulnerable groups for THB crime.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>b) Why is it considered a challenge?</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p>	<p><input type="checkbox"/> Detection</p> <p><input checked="" type="checkbox"/> Identification</p> <p><input checked="" type="checkbox"/> Protection</p>

Q14c. What are the specific challenges with regard to traffickers / criminal organisations involved in trafficking in human beings using asylum procedures for means other than intended? *(for example, to temporarily house victims in a reception centre before moving them to the intended country).*

Please include one challenge per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.

Challenge <i>(Please list in order of importance or chronological order as instructed under the first question)</i>
<p><i>Please describe the challenge.</i></p> <p>There was not identified any cases of THB in Georgia when traffickers/criminal organisations involved in trafficking in human beings using asylum procedures for means other than intended. Therefore Georgia is unable to describe any challenges in this regard.</p> <p>Also answer the following questions:</p> <p>a) For whom is this a challenge (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?</p> <p>b) Why is it considered a challenge?</p> <p>c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?</p>

Q15. What are the consequences of COVID-19 pandemic on the detection, identification, and protection of (presumed) victims?

Cases of online exploitation have been detected, which is a new challenge for Georgian context and intense capacity building of investigators and prosecutors is in progress. In addition, despite active awareness raising campaign, COVID-19 pandemic hindered relevant agencies to conduct large-scale preventive measures to raise the awareness of population on the risks of THB. Regardless of efforts of Georgian law enforcements, the low awareness have negative impact on detection and identification process.

Q16. What new patterns and / or trends in trafficking in human beings have emerged because of the COVID-19 pandemic?

As mentioned above, cases of online exploitation have been detected, which is a new challenge for Georgian context. The need for refining online investigation methodology has been revealed.

Q17. How has your Member State adapted its policies and procedures due to the challenges of the COVID-19 pandemic?

Despite the spread of COVID-19, Inter-Agency Council and the MoJ as the leading Agency, has not reduced it's Anti-Trafficking efforts, rapidly adjusted to the new reality and continued working remotely. The activities within the Inter-Agency Council implemented online.

The work of the MIA units, especially the ones that are working detecting and fighting against any kind of violation/crime, has not been hindered. All of the units, including anti-THB units are fulfilling their obligations prescribed by the law according to COVID-19 related regulations and therefore, the MIA continues to combat trafficking cases.

The Prosecutor's Office of Georgia, since March 22, 2020, has been actively involved in the remote hearings of criminal cases in the common courts for the purposes of preventing the spread of COVID-19 in the country. All offices of the Prosecutor's Office of Georgia have been equipped with the appropriate technical equipment and software, allowing prosecutors to remotely engage in criminal proceedings and support state prosecution from prosecution offices.

The State Care Agency and its structural units (crisis centers / shelters) operated continuously, without interruption and provided services to victims/presumed victims of trafficking. A number of measures have been taken to prevent the possible spread of the COVID-19, which enabled the Crisis Centers and shelters to provide services on a continuous basis to the beneficiaries. For example:

- The movement of outsiders was regulated;
- Recommendations of health protection protocols and hygiene rules were developed and implemented in the buildings;
- The State Care Agency, with its own resources, with the support of the MoH and donor organizations, provided shelters and Crisis Centers with protective and disinfectant facilities. A base of a certain amount of the required medicine was created in shelters;
- A special questionnaire has been developed to identify risks before receiving a new beneficiary and, if necessary, take temporary isolation measures to prevent the possible spread of COVID-19. Symptomatic surveys are conducted periodically;

- Information on preventing the possible spread of the COVID-19 was provided to staff at Crisis Centers and shelters; They were trained by an epidemiologist;
- A "quarantine space" was set up at the Tbilisi shelter, which allowed the new beneficiary to be accommodated for 14 days and then referred to another shelter in case of no suspicious symptoms;
- Government Decree No. 975 provides for the inclusion of beneficiaries and staff of Crisis Centers and shelters in the list of priority persons subject to mandatory testing for COVID-19 infection, allowing for a 14-day interval of scheduled testing;
- In order to receive legal, psychological and other services, in February 2020, an online platform was established in the Crisis Center.

The hotlines of the \ State Care Agency and MIA operated continuously, where anyone could obtain information on trafficking-related issues.

The special victim identification mobile groups of the State Care Agency continued to operate during the pandemic period. In case of necessity, mobile groups interviewed presumed victims online.

It is also emphasized that the referral of victims to shelters/crisis centers and the provision of services to them, as mentioned above, were carried out without any restrictions, of course, in compliance with all preventive measures.

The spread of the virus has created some obstacles to have a free and unfettered access to the working places by the Labour Inspection Service. However, Labour Inspection maintained active role in anti-trafficking efforts, particularly in identification of forced labour and labour exploitation cases. Despite pandemic, all the planned inspections were done throughout the whole country by the labour inspectors.

Q18. Regarding the challenges identified above, does you Member State have concrete plans or proposals in place for improvements to deal with them?

Improvement of capacity of the law enforcements is ongoing and the analysis of legislation and institutional capacity for fighting against online THB is planned. Based on the identified needs, future steps will be planned. The large-scale awareness campaign is also planned to be conducted in the nearest future.

Q19. In light of possible new trends and developments, is your Member State anticipating any new challenges in the near future? Yes No

If so, please explain.

Please see answer to the question 18.

Q20. What good practices in relation to i) detection, ii) identification and iii) protection of (presumed) third-country national victims of trafficking in human beings exist in your Member State?	
Please include one good practice per row and indicate the stage for which it applies in the tick boxes below. If needed, please add additional rows to the table below.	
Good practice <i>(Please list in order of importance or chronological order as instructed under the first question)</i>	Stage
<i>Please describe the good practice.</i>	<input checked="" type="checkbox"/> Detection <input checked="" type="checkbox"/> Identification <input checked="" type="checkbox"/> Protection

Georgian Referral Mechanism on detection, identification and protection of THB victims is one of the best practices identified by different international organizations.

The successful practice is related to existing two statuses of victim and statutory victim described in details above. This is a unique approach aiming at not leaving any person affected by THB, including foreign citizens, beyond the protection and state run services available for them.

Also answer the following questions:

a) Who considers this a good practice (e.g. policy-makers, competent authorities, third-country nationals, other stakeholders.)?

OSCE/ODIHR has chosen the Georgian Anti-Trafficking national referral mechanism as one of the successful and decided to reflect it in the revised Practical Handbook on National Referral Mechanisms of OSCE/ODIHR. With the special invitation of the ODIHR, the representative of the MoJ also participated in the revision process of the Handbook. Furthermore, the OSCE Special Representative and Coordinator on for combatting Trafficking in Human Beings also positively assessed the National Referral Mechanism in its report published on 5 May, 2020. The same issue is positively asses by US Department of State in its 2018 TIP report.

b) Why is it considered a good practice?

The mentioned two statuses ensures not leaving any person affected by THB, including foreign citizens, beyond the protection and state run services available for them.

c) What is the source of the statement (e.g. based on input from experts, surveys, evaluation reports, other sources)?

Reports of the International organizations mentioned above.