The Permanent Mission of Georgia to the United Nations Office and Other International Organizations at Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights (OHCHR) and in reference to its Verbal Note of 19 September 2011, has the honour to transmit herewith the response of the Government of Georgia to the “Questionnaire for the preparation of the OHCHR analytical study on violence against women and disability”, as provided in Human Rights Council Resolution 17/11.


Enclosure: seventeen (17) pages

14 December 2011

United Nations Office of the High Commissioner for Human Rights
Geneva
Subject: Replies to the Questionnaire for the preparation of the OHCHR analytical study on Violence against women and disability (A/HRC/RES/17/11)

Have studies/research been conducted on the prevalence, nature, causes and impact of violence against women and girls with disabilities in different settings (family/home, work-place, medical institutions, schools, etc?). What forms of disability and violence do they cover?

There have been studies and research conducted on the prevalence, nature and impact of violence against women and girls in Georgia, however those studies/research have not addressed women and girls with disabilities in different settings.

Data on the number of women and girls with disabilities who have accessed services and programmes to prevent and address violence disaggregated by disability, sex, age, socio-economic and ethnic backgrounds?

There are no recorded cases of women or girls with disabilities applying to services and programmes to prevent and address violence, even though the services and programmes elaborated by the State to this end could serve their needs in a direct way.

Number of households in which persons with disabilities reside? How many of these are women-headed households?

Statistics, information, studies on disability/ies resulting from violence against women and girls –

Is there a legal framework addressing violence against women and girls with disability in different contexts (within the family, at the community and in the workplace, and in State and non-State institutions such as medical, education and other service providing institutions)

There is a comprehensive legislation addressing violence against women and girls in Georgia, which also covers the women and girls with disability in different contexts.

In particular, the respective Law was adopted in 2006 and substantial changes and amendments were introduced into it in 2009.

The Law envisages that within its mandate, the Ministry of Labor, Health and Social Protection provides social services to families in order to implement domestic violence preventive measures.

Social services include:
• Study and the relevant analysis of the causes of disputes and support to family members to overcome conflicts;
• Implementation of activities that support victims of domestic violence;
• In collaboration with relevant state institutions, identification of potential abusers and creating assistance to overcome the problems;
• Participation in issuing protective orders;
• Monitoring activities defined in protective and restraining orders;
• Development and support for the implementation of programs aimed to assist victims and abusers and facilitate their social rehabilitation.

The changes and amendments were introduced into the following legal acts:
1. The Administrative Procedural Code of Georgia;
2. The Code of Administrative Offences of Georgia;
3. The Law of Georgia on Firearms;
4. The Law of Georgia on Fighting Domestic Violence, Protection and Support to DV Victims;
5. The Labour Code of Georgia
6. The Law of Georgia on Public Service

In a very brief manner, the introduced changes and amendments among others:

- Exempt from state duty payment the court cases related to protection and assistance to DV victims;
- Streamline the procedures of application to court by and on behalf of DV victim, including children;
- Simplify the application to a court in a view that application on use of protective order shall be submitted to a first instance court according to the place of residence of a victim;
- Introduce that a court may, on its own initiative, or with the request of a party, hold a closed session, if a case refers to domestic violence;
- Establish that court also may consider an issue of separation of a child from a violent parent;
- Regulate in a greater detail the issuance and appeal against of restrictive and protective orders;
- Introduce limitation/deprivation of access to and use by a DV offender of any firearms, including the official capacity related firearms;
- Streamline administrative responsibility for violation of the restrictive and protective orders;
- Introduce criminal liability for violating the protective and restrictive orders by a person who had been administratively held responsible for the preceding violation of the two;

The Law of Georgia on Fighting Domestic Violence, Protection and Support to DV Victims, along with stipulating that the State ensures with the recognition of equal rights of family members creation of legal guarantees for protection of their rights and freedoms, physical and psychological integrity, introduces that:

- the aim of the Law is to put together the foundation of the protection, assistance and rehabilitation of DV victims;
- cooperation of different agencies for the prevention of domestic violence and fighting against it;
- provision of rehabilitation measures for DV offenders.

The Law also introduces a notion of an alternative way of recognition of a DV victim, along with such a recognition by Police, by mentioning that "a DV victim is a family member, who has suffered physical, psychological, sexual, economic violence or coercion and a status of a DV victim has been granted to him/her by a respective service of the Ministry of Internal Affairs or/and by judicial organs or/and by a Group Identifying a Status of a DV Victim".

The Law also introduces a definition of "Rehabilitation Measure for DV Offenders", that include rehabilitation of DV offender and crisis intervention according to the standard established by legislation.

The Law also introduces a notion of a crisis center.

The Law regulates that Protective Order shall be issued for up to 6 months duration. It is up to the court to decide on exact length of the order or change its duration. It shall also be noted that the Protective Order may be prolonged once for no more than 3 month. As for Restrictive Order, it may be issued for up to one month and Court shall consider its affirmation within 24 hours after competent applicant applies with such a request to a court. The Law stipulates also that conciliation of a DV victim and DV offender does not preclude from using protective and restrictive orders, if domestic violence damages interests of other family member, especially – children.
The Law also stipulates that court also considers an issue of relation of children with violent parent(s) and a court may consider separation of children from violent parents in case of trace of violence against minor/child as an intermediary measure before the final decision is made.

The Law also regulates frequency and duration of a visit of a violent parent to a child, with the stipulation of respective security measures.

The Law also obliges police to immediately react on receipt of information on domestic violence and undertake actions as envisaged by Law.

The Law also stipulates potential victim, witness, DV offender, including minor/child, shall be questioned separately by Police and the results of the questioning shall be fixed in a written form.

The Law specifically stipulates that along with the Ministry of Internal Affairs and courts, identification of a status of a victim of domestic violence shall also be undertaken by the Group Identifying a Domestic Violence Victim, which operates with the Interagency Council of Fighting Domestic Violence in Georgia.

The Law also regulates terms and duration up to 3 months, which can be further prolonged, for a DV victim for staying in shelter.

The Law provides that in case of placing in a Domestic Violence shelter or a Crisis center, a victim shall retain a work place on the same position.

The Law introduces a notion of a Crisis center. Crisis Center is defined as follows: "Crisis Center is a place of temporary placement of presumed victims of domestic violence and it serves as a place of their psycho-social rehabilitation, first and emergency medical id and legal assistance." A Crisis Center shall be established within the system of the Ministry of Labour, Health and Social Protection or on the basis of non-commercial a legal entity (e.g. NGO). In the latter case the Crisis Center shall meet minimum standards established by the Ministry of Labour, Health and Social Protection.

**Are practices such as 1) forced psychiatric intervention, 2) forced institutionalization, 3) solitary confinement and restraint in institutions, 4) forced drug and electroshock treatment, 5) forced abortion, 6) forced sterilization and 7) harmful practices, prohibited by law?**

The practices such as forced psychiatric intervention, forced institutionalization, solitary confinement and restraint in institutions, forced drug and electroshock treatment, forced abortion, forced sterilization and harmful practices are prohibited by law and strictly regulated by the Law on Psychiatric Assistance, as well as the respective orders of the Minister of Labour, Health and Social Protection.

**What specific policies/programmes are in place to prevent and address violence against women and girls with disabilities and/or address harmful practices that can result into disabilities?**

The Programme aimed at overcoming poverty provides for the prevention of institutionalization of women and girls with disabilities and respectively of violence against them. The Law prohibiting violence against any person, not only women and girls with disabilities, envisages a number of policies/programmes to prevent and address such violence. In particular, The Law of Georgia on Elimination of Domestic Violence, Protection of and Support to Its Victims represents major piece of legislation in this respect. This Law along with Criminal, Civil and Administrative legislation and numerous subordinated legislative acts constitute legal basis to combat domestic violence.

The Law addresses the prevention of domestic violence in great detail, and requires the state to support and ensure the mechanisms of prevention, which are envisaged as a “unity of social, economic, legal and other means, aimed at elimination of reasons and preconditions of domestic violence, as well as the fact of the violence itself and the prosecution of the
Prevention mechanisms include introducing effective legal methods to identify and eliminate domestic violence, holding a know-your-rights awareness-raising campaign which will provide information on the rights of victims, offering educational courses to support and protect victims and rehabilitate abusers, and developing programs with stakeholder organizations to ensure the implementation of the above measures. These measures are to be introduced by the Ministry of Labor, Health and Social Affairs, the Ministry of Internal Affairs, the Ministry of Education and Science, and the Procurators and Judiciary of Georgia. They are charged with cooperating with other stakeholders working on domestic violence in planning and implementing joint projects.

The Law requires the Ministry of Labor, Health and Social Affairs to establish all means to prevent domestic violence by providing social services to families, and by providing shelters for victims, including the study and analysis of the causes of domestic violence, giving support to victims, and working with relevant state institutions in identifying those at risk for committing domestic violence. The Ministry has established and regulates a system of shelters to that end.

How do general policies and plans/programmes on violence against women ensure the inclusion of and accessibility by women and girls with disabilities?

None of the general policies and plans/programmes on violence against women exclude women and girls with disabilities. The entire anti-violence policy established by the State provides for the inclusion of accessibility by women and girls with disabilities, without any discrimination.

How has the participation of women with disabilities in the development of such laws, programmes/policies been ensured?

The participation is open for women with disabilities in the development of any laws and programmes, including by public discussions including in the education institutions.

What measures/initiatives are in place to combat negative perceptions, stereotyping and prejudices of women and girls with disabilities in the public and private spheres?

The state policy is strongly directed at fighting stigma, negative perceptions, stereotyping and prejudices of women and girls by wide public awareness campaign, including public discussions on TV, radio, meetings and discussions in a variety of public institutions and education institutions.

What initiatives exist to inform women and girls with disabilities about their rights, including sexual and reproductive health issues? To what extent do these initiatives address also women in institutions?

The awareness campaigns conducted in partnership with non-governmental organizations include provision of information to women and girls with disabilities about their rights, including sexual and reproductive health issues. Such awareness campaigns are being conducted throughout Georgia.

What programmes/initiatives have been developed to train women with disabilities to develop skills and abilities for economic autonomy and participation in society and to use technological and other aid that lead to greater independence?

Such programmes are being implemented in partnership with non-governmental organizations.

What measures exist to ensure access by women and girls with disabilities to social protection programmes and poverty reduction programmes?

Women and girls with disabilities are part of the social protection and poverty reduction programmes, based on the criteria specifically elaborated to address persons with disabilities.
Other measures (legislative, administrative, juridical or other) aimed at the development, advancement and empowerment of women with disabilities

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Are there provisions for regular home visits and inspections of medical institutions where women and girls with disabilities are living/receiving treatment? How do these work?

Yes, the visits and inspections are undertaken regularly. The internal inspection is regularly undertaken by the State Care Agency within the Ministry of Labour, Health and Social Protection. In case a woman or a girl with disability is recognized as legally incapable by the Court Social Service Agency is obliged to undertake the monitoring of the situation of such a person. One of the institutionalized mechanisms of such regular visits and inspections is also visits by the Office of Public Defender of Georgia based on the legislation of Georgia and in the scope of the UN Convention against Torture.

What measures have been adopted to provide information and education to women and girls with disability and their families, caregivers and health providers on how to avoid, recognize and report instances of exploitation, violence and abuse?

The awareness activities undertaken by different state agencies dealing with fighting violence, exploitation and abuse have included these into the training curricula for different target groups working with persons with disabilities. Along with this, the wide public awareness campaigns promoting different referral mechanisms for the victims of violence and exploitation outline specifically the signs and mechanisms of avoiding, recognizing and reporting instances of exploitation, violence and abuse to Police or specialized state bodies working on protection of and assistance to victims of exploitation, violence and abuse, including women and girls with disability.

What are the means to report violence against women and girls with disabilities in different settings, including medical centers and institutions? To what extent are these known and accessible?

There are three referral systems: one for children, one for victims of domestic violence, one for victims of trafficking in persons.

To demonstrate only one of those please find below the referral mechanism for victims of exploitation – trafficking in persons, including women and girls with disabilities.

Operational Instruction for Protection of (Statutory) Victims of Trafficking in Persons (hereinafter – the National Referral Mechanism) serves as a document of agreement between and cooperation of state bodies, international organizations and non-governmental sector in the process of protection of (statutory) victims of trafficking in persons.

The following structures working on protection and assistance to (statutory) victims of trafficking in persons are involved in the National Referral Mechanism via the following three stages:

1. Identification of a Victim and Granting a Status of Trafficking in Persons
2. Protection and Assistance to (Statutory) Victims of Trafficking in Persons
3. Reintegration and Rehabilitation of (Statutory) Victims of Trafficking in Persons

Part One

Identification of Victims of Trafficking in Persons

1. First Contact with the alleged victim of trafficking in persons
1. The first contact with the alleged victim of trafficking in persons may have: employees of the border guards’ service, Police, representative of the Office of the Public Defender of Georgia, non-governmental organizations, medical institutions.  

1.2. If there is a suspicion that a person is a possible victim of trafficking in persons, or if such a suspicion emerges or a victim identifies himself/herself as a victim of trafficking in persons, he or she shall be informed of all the rights and obligations prescribed by the Law, as well as his/her legal status and a respective list of rights and obligations shall be handed over to him/her.

1.3. An alleged victim of trafficking in persons shall be notified right at the beginning of the exemption from criminal responsibility for any illegal act that he/she has committed coercively, due to being a victim of trafficking in persons. Alleged victim of trafficking in persons shall also be notified without a delay that he/she has a right to apply to an institution providing services for the victims of trafficking (a shelter).  

1.4. A special mobile group shall be called on if an alleged victim of trafficking in persons wishes to apply for identification of his/her status as of a victim of trafficking in persons. If an alleged victim wishes to contact a mobile group after a while, respective contact information shall be handed over to him/her.

2. Identification of a Victim and Granting a Status

2.1. Identification of victims of trafficking in persons is conducted in accordance with the Standards and Rules of Identification of Victims of Trafficking in Persons, as approved by the President of Georgia upon submission by the Interagency Coordination Council for Carrying out Measures against Trafficking in Persons (hereinafter – the “Coordination Council”);  

2.2. A Permanent Group created at the Coordination Council (hereinafter – the “Permanent Group”) considers granting a status of a victim of trafficking in persons within 48 hours after an application of an alleged victim of trafficking in persons to a shelter or other relevant institution;  

2.3. A Permanent Group considers granting a status of a trafficking in persons based on the information provided to the group by the special mobile group;  

2.4. A special mobile group shall be created by the Legal Entity of Public law – “State Fund for Protection and Assistance of (Statutory) Victims of Trafficking in Persons” (hereinafter - “the Fund”), upon the submission of the Permanent Group. The mobile group conducts first interview with a victim. Based on the information collected as a result of an interview (in the form of a questionnaire) and additional oral explanations of the mobile group, the Permanent Group makes a decision of granting a status of a victim of trafficking in persons.

2.5. After granting a status of a victim of trafficking in persons, if the victim so wishes, he/she may be placed in a shelter. Otherwise he/she may enjoy all the guarantees for victims of trafficking in persons, as envisaged by the legislation.

A document of cooperation of the state, non-state and international organizations on provision of legal, medical, psychological and other types of services, The Strategy for Rehabilitation and Social Reintegration of the Victims of Trafficking in Persons, is a part of the National Referral Mechanism.

48 hours long term: if an alleged victim of trafficking in persons does not have a shelter within the afore-mentioned 48 hours, there are three alternatives on giving him/her a possibility to stay:

a temporary waiting room be created at the border in West Georgia, and a similar room identified in a medical institution in East Georgia;

a special project be created, within which there will be funding allocated for provision of overnight expenses;

both options shall be realized.

3. Procedure of Granting a Status of a Victim of Trafficking in Persons

1 A room for conducting an interview with a victim can be allocated at the border crossing points and in the Police. 

2 The Law on Fight against Trafficking in Persons

3 The Law on Fight against Trafficking in Persons

4 A victim is handed over a standard document, composed of the following: a) Information on the available help in the health sector (with the contact details); b) information on free legal aid (contact details included); c) The list of guarantees envisaged by the Law of Georgia on the fight against Trafficking in Persons and criminal procedural legislation of Georgia.
3.1. Granting a status of a victim of trafficking in persons by the Permanent Group shall take place within 48 hours after a respective application of the alleged victim to the shelter or other relevant institution;

3.2. The Permanent Group considers granting a status of a victim of trafficking in persons to an alleged victim based on Victim Identification Questionnaire filled-out as a result of an interview conducted with an alleged victim of trafficking in persons. The mobile group submits the filled-out identification questionnaire to the Permanent Group. If an alleged victim so wishes, the permanent Group may have an interview with him/her.

3.3. If the Permanent Group grants the status of a victim of trafficking in persons, it issues the respective document confirming the individual case of granting the status. One copy of the document shall be handed over to the victim, one copy stays with the Permanent Group and one copy is sent to the Fund.

When granting the status of a victim of trafficking in persons, the Permanent Group provides the victim with the written information on possibilities of shelter, compensation, medical assistance and other programs.

3.4. If the Permanent Group refuses granting a status of a victim of trafficking in persons, the Permanent Group provides the Fund with this information.

3.5. A victim of trafficking in persons, which was granted a status of a statutory victim of trafficking by the law enforcement in accordance with the Criminal Procedure legislation, is equal to a person with the status of trafficking in persons granted by the Permanent Group. Therefore, the statutory victim is entitled to use services of shelter, claim compensation from the state, enjoy health care services and other programs. The statutory victim shall be informed about all the mentioned rights at the moment of granting a status of a statutory victim of trafficking in persons.

3.6. A person, who was granted a status of a victim of trafficking in persons by a foreign country, international organization or an organisation of a foreign country, can apply for granting the status of a victim of trafficking in Georgia to the Permanent Group. A foreign national may be granted a status of a victim of trafficking in persons, if illegal acts realised against him/her started, continued or finalised in Georgia. The Permanent Group shall not automatically recognize a person as a victim of trafficking in persons, if he/she is recognized as such by a foreign country, organizations of foreign countries or international organizations. The Permanent Group considers such cases according to the established rule, as any other application.

A person recognized as a victim of trafficking in persons by a foreign country, by an organization of a foreign country or by an international organization, may use services of shelter, claim compensation from the state, enjoy health care services and other programs only after granting to him/her a status of a victim of trafficking in persons by the Permanent Group.

4. Mobile Group

4.1. A mobile Group is composed of two experts: a lawyer and a psychologist.

4.2. There are two mobile groups operating on the territory of Georgia: one in East Georgia and the other one in West Georgia.

4.3. A mobile Group is called in cases of identification of an alleged victim of trafficking in persons or self-identification. A special identification questionnaire is filled out by the Mobile Group along with conducting an interview with him/her. A filled-out identification questionnaire is submitted to the Permanent Group. The Mobile Group considers issue of granting the status of the victim of trafficking in persons based on the questionnaire filled-out by the mobile group during the interview with the alleged victim of trafficking in persons.

4.4. The mobile group members are obliged to keep in secret any identification-related data of the possible victim, notwithstanding whether the status of a victim is granted or refused to a person. Revealing this data incurs criminal liability.

5. The Permanent Group

5.1. The granting of the status of a victim of trafficking in persons is exercised by the Mobile Group. The Mobile Group considers an issue of granting the status of a victim of trafficking to a person based on the questionnaire submitted by the mobile group. The mobile group does not grant a status of a victim of trafficking automatically to a person, who is recognized as such by a foreign state, international organization or a foreign NGO. The Mobile Group considers such a case
as any other application, in accordance with the generally established rules.

5.2. The Permanent Group consists of 5 members. Composition of the Permanent Group is confirmed by the Interagency Coordination Council for Carrying out Measures against Trafficking in Persons. Establishment of the alternative members of the Permanent Group members by the Coordination Council is also possible.

5.3. The Permanent Groups makes decisions on granting a status of a victim of trafficking in persons with the 4/5 of the composition.

5.4. The Permanent Group submits the information on granting or refusing the status of the victim of trafficking in persons to the Fund.

5.5. The members of the Permanent Group are obliged to keep in secret any identity-related data of the an victim of trafficking in persons, despite the fact whether a status of a victim is granted to him/her. Revealing the data incures criminal liability.

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Part Two

Protection and Assistance to (Statutory) Victims of Trafficking in Persons

1. Shelter

1.1. After receiving a status of a (statutory) victim of trafficking in persons he/she is entitled to use the services of an institution providing services for the victims of trafficking in persons (a shelter) and enjoy other rights envisaged by the Chapter.

1.2. An institution providing services for the victims of trafficking in persons (a shelter) is established to protect victims of trafficking in persons, support, rehabilitate and fully reintegrate them into their families and society. A shelter is created at the Fund, as a structural unit of the legal entity of public law. Any natural or legal person is also entitled to establish a legal entity of private law – an institution providing services for the victims of trafficking in persons (a shelter), in line with the organizational-legal form, established by the Georgian legislation. 5

1.3. A (statutory) victim shall be placed in a shelter only based on his/her consent and only after granting a status of a (statutory) victim of trafficking in persons. Placing a victim in a shelter is not dependent on the cooperation of the victim with the law-enforcement authorities in the process of criminal proceedings on a given crime. A shelter is contacted with regard to placing a person in the shelter by the organization or a natural person, who is in contact with him/her.

1.4. The Shelter must meet the standards established by the Georgian legislation.

1.5. A Shelter, with the consent of a (statutory) victim of trafficking in persons, provides the following services for him/her:

- Secure place of residence with decent living conditions;
- Food and clothes;
- Medical aid;
- Psychological counseling;
- Legal assistance and court representation (including filing complaints, appearing in court proceedings as a witness, requesting asylum, obtaining documents for returning to the country of origin);
- Providing the information in the language the victim understands; provision of the assistance of the lawyer in case of necessity;
- Participation in the long-term and short-term programs of rehabilitation and reintegration (professional and other educational programs, support in employment).

1.6. The victim shall be placed in the shelter on the basis of the individual contract, taking into account the age, sex and other special requirements.

1.7. Upon entering the shelter, a (statutory) victim undergoes medical examination.

Length of staying in a shelter and conditions for leaving a shelter

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5 If a person approaches NGO, which has a shelter, after undergoing an identification procedure, he/she shall be suggested to use that shelter.
1.8. The period of stay in a shelter based on a contract, is 3 months. The extension of the term, once it expires, is possible.
1.9. The victim may leave the shelter voluntarily before the term expires.

**Internal Regulation of a Shelter**

1.10. The shelter shall function on the basis of Internal Regulations of the Shelter.

1.11. Internal Regulation shall be in compliance with the standards established for a shelter and it shall be followed both by victims and the staff.

1.12. The violation of internal regulations may result into the termination of the contract for both – staff and victim.

1.13. Shelter Administration staff are obliged to keep in secret identification data of the victims of trafficking in persons placed in the shelter. Revealing the data incures criminal liability in accordance with the law.

**2. Compensation**

**A right to claim compensation**

2.1. After granting a status of a (statutory) victim of a trafficking in persons, he/she is entitled to claim compensation, which is granted by the Fund, in accordance with the procedure prescribed by the legislation.

2.2. Compensation is not dependent on the cooperation of the victim with the law-enforcement authorities.

2.3. (Statutory) victim of trafficking in persons receives compensation from the Fund and meanwhile as a result with the law enforcement authorities, his/her trafficker is detained, the received compensation does not restrict the (statutory) victim’s right to claim material, moral and property damage.

**Procedure of granting compensation**

2.4. A compensation is granted to a victim of trafficking in persons, who had encurred moral, property and material damage as a result of trafficking in persons and who was granted a status of a victim of trafficking in persons by the Permanent Group created at the Coordination Council for Carrying out Measures against Trafficking in Persons.

2.5. A compensation is granted to a (statutory) victim of trafficking in persons, who had encurred moral, property and material damage as a result of trafficking in persons and who was granted a status of a (statutory) victim of trafficking in persons by the law enforcement authority in accordance with the rules prescribed by the criminal procedure legislation.

2.6. Compensation amount is paid through bank transaction.

**Compensation Amount**

2.7. Compensation amount to be granted to a victim of trafficking in persons by the State Fund for Protection and Assistance of (Statutory) Victims of Trafficking in Persons is GEL 1,000.

2.8. The Fund provides for keeping in secret any identification data of the victims of trafficking in persons. Revealing this data incures criminal liability as prescribed by the legislation.

**3. Other Measures of Protection and Assistance to (Statutory) Victims of Trafficking in Persons**

**Reflection Period**

3.1. A (statutory) victim of trafficking in persons is entitled to a 30 days-long reflection period, in order to make a decision
on cooperation with the law enforcement bodies in the process of criminal procedures. The reflection period is calculated from the day of application of the alleged victim to a shelter or law enforcement bodies.

3.3. During the reflection period a victim is exempted from the criminal liability envisaged by the Article 371 of the Criminal Code of Georgia.

**Safe Repatriation**

3.4. Safe repatriation encompasses several components: arrangement of relevant documentation, issue of safety, etc.

3.5. After expiration of reflection period or after completion of respective criminal procedure a state undertakes relevant measures for return of the foreign (statutory) victim to the country of origin.

3.6. After completion of criminal procedure a foreigner, upon his request, may be granted an asylum in Georgia, if there is a reasonable ground to believe that in case of return to the country of origin, his/her life, health or liberty may be threatened.

3.7. Consular and diplomatic representations of Georgia cooperate with all the respective state agencies in issuing in the shortest possible terms IDs or certificates for return to Georgia to the Georgian nationals and stateless persons permanently residing in Georgia, who become (statutory) victims of trafficking in persons and their actual return to Georgia.

3.8. In order to safely and voluntarily return (statutory) victims of trafficking in persons to Georgia, the state agencies cooperate with the respective bodies of other countries, international organizations and non-enterprise legal entities.

**Medical Assistance**

3.9. A (statutory) victim of trafficking in persons is entitled to benefit from the medical assistance programs as provided the Ministry of Labour, Health and Social Protection. A (statutory) victim of trafficking in persons is notified on these programs by the Permanent Group or the law enforcement authorities, accordingly.

**Legal Aid**

3.10. A (statutory) victim of trafficking in persons is entitled, to benefit from free of charge legal aid. A (statutory) victim of trafficking in persons is notified on the free legal aid and the organizations providing this service by the Permanent Group or law enforcement authorities, respectively, when granting the status of a (statutory) victim of trafficking in persons.

**Part Three**

**Rehabilitation and Reintegration of (Statutory) Victims of Trafficking in Persons**

1.1. Institutions providing services for the victims of trafficking in persons shall elaborate rehabilitation and reintegration into family and society programs for (statutory) victims of trafficking in persons.

1.2. Ministry of Education and Science of Georgia together with the Ministry of Labor, Health and Social Affairs provides for inclusion into professional education and other educational activities of (statutory) victims of trafficking in persons, based on their consent.

1.3. The measures directed at the protection of personal security of (statutory) victims of trafficking in persons and their psycho-social rehabilitation shall be conducted based on their consent and with the total secrecy of their personal identification data.

**Protection of Secrecy of the Identity Data of (Statutory) Victims of Trafficking In Persons and Liability for their Disclosure**

Representatives of state structures, international organizations, governmental and non-governmental organizations, who were notified of the identity data of (statutory) victims of trafficking in persons in the course of their implementation of official duties, must keep in secret all the identification data of (statutory) victims of trafficking in persons.
The similar referral systems exist for children and victims of violence against women.

To what extent are public institutions, such as police stations and hospitals, accessible to women and girls with disabilities?

The majority of newly constructed public institutions, especially police stations and hospitals, are accessible to women and girls with disabilities.

Are there shelters for women victims of violence? To what extent are they physically accessible to women with disabilities?

There are two fully state run shelters for women victims of violence. The accessibility is provided for women with disability.

Disaggregated statistics on crimes against persons with disabilities.

Total amount of registered complaints for violence against women and girls with disabilities. How many of those were dismissed? What were the main reasons for dismissal? How many prosecuted cases resulted in convictions?

The statistics are kept on investigations only.

What system is in place to ensure legal aid for women and girls with disabilities who have been victims of violence?

The State Fund for the Protection of and Assistance to Victims of Trafficking in Persons and Domestic Violence has free legal aid available to women and girls who have been victims of violence.

What special measures have been envisaged in legislation and practice for victims and witnesses with disabilities?

The access to proceedings is guaranteed by the legislation and in practice.

What specific training is conducted for law enforcement and legal personnel on the rights of women and girls with disabilities and effective ways to communicate with them?

The Ministry of Internal Affairs is conducting trainings for the Police staff on the rights of women and girls with disabilities and effective ways to communicate with them.

What measures (legislative, administrative, social, educational or other) are in place to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of women and girls with disabilities who have been victim of any form of exploitation, violence or abuse?

The state referral system for victims of violence envisages rehabilitation and reintegration support to victims of any form of exploitation, violence and abuse.

To provide just one example herewith please find the rehabilitation and reintegration strategy for victims of exploitation – trafficking in persons. The similar strategy exists for the victims of violence, with respective peculiarities taken into account.

Fighting against trafficking in persons within the country, as well as outside Georgia along with the international community is one of the priorities of the Government of Georgia.
The Government of Georgia actively implements the measures aimed at preventing the trafficking in persons, promoting the fight against it, effective investigating of this crime, prosecution of offenders, providing efficient support to the victims and their solid rehabilitation and social reintegration.

The aim of this strategy is to promote the firm rehabilitation and social reintegration of the victims of trafficking in persons, stemming from their needs and available resources.

The rehabilitation activities for the victims of (statutory) victims of trafficking in persons shall be carried out by the competent authorities of Georgian Government only on the basis of informed written consent of a victim of (statutory) victim of trafficking in persons, through the close cooperation with the NGOs and international organizations operating in Georgia and their direct involvement in implementation of rehabilitation and reintegration measures.

The Strategy on rehabilitation and social reintegration may apply to the (statutory) victims of trafficking in persons, whether or not they are in a shelter, and despite their willingness to cooperate with the law enforcement authorities.

Definition of Rehabilitation and Reintegration

For the purposes of this Strategy:

"Rehabilitation" shall mean:
Recovery of physical and mental health of the (statutory) victim of trafficking in persons through the service, free medical and psychological assistance provided to him/her either in a shelter of outside of it.

"Reintegration" shall mean:
Dignified return of (statutory) victim of trafficking in persons to his/her family and/or common social life, through the provided assistance, and raising level of his/her social functioning (gaining the skills, which will help him/her to find a job, etc.)

1. Coordination of the rehabilitation and social reintegration activities for the (statutory) victims of trafficking in persons

The Georgian authorities shall closely cooperate with the local NGOs and International Organizations to achieve the goals of rehabilitation and social reintegration of the (statutory) victims of trafficking in persons.

While implementing the rehabilitation and reintegration programs, the State Fund for the Protection of and Assistance to (Statutory) Victims of Trafficking in Persons acts on behalf of the State; it is entitled to coordinate rehabilitation/reintegration activities.

In order to coordinate the activities in the field of rehabilitation and social reintegration of the victims of trafficking in persons, the Fund once in three months holds meetings with the actors dealing with the rehabilitation and reintegration processes, sums up together with them the results of the previous quarter, discusses problematic issues and designs the plans for the next quarter.

2. The actors dealing with the rehabilitation and social reintegration processes

2.1. In order to achieve the goals of the present Strategy, the process of rehabilitation and social reintegration of the (statutory) victims of trafficking in persons shall be carried out on the basis of individual plans for the (statutory) victims of
trafficking in persons, by the following actors:

a) The State Fund for the Protection of and Assistance to (Statutory) Victims of Trafficking in Persons;
b) Local Non-Governmental organization;
c) International organization;
d) Social worker.

3. Drafting the individual plan for social reintegration of (statutory) victim of trafficking in persons

The rehabilitation process starts from the moment of rendering the status of a (statutory) victim to a person.

Social reintegration measures for (statutory) victims of trafficking in persons shall be carried out only on the basis of informed, written consent of the (statutory) victim of trafficking in persons.

A social worker shall provide the assistance to the (statutory) victim of trafficking in persons throughout the entire period of implementation of individual plan\(^6\) drawn up in accordance with the relevant regulations.

The drafting of Individual Plan of Reintegration shall be conducted in two stages:

The initial plan of social reintegration shall be designed by the social worker and the (statutory) victim of trafficking in persons; on the basis of this document, in agreement with the Fund, a social worker shall seek for the available resources and design the final individual plan of social rehabilitation together with the (statutory) victim of trafficking in persons.

A social worker shall submit the individual plan of social reintegration to the Fund for approval. The final social reintegration plan shall be designed in agreement with the Fund, bearing in mind the available resources.

During the implementation, the social reintegration plan may change due to changes of needs of the (statutory) victim of trafficking in persons or offered services that are envisaged in the plan. The modification of the plan shall be formalized in writing and approved by the signature of a social worker and a (statutory) victim of trafficking in persons.

4. The role of the Fund in the process of rehabilitation and social reintegration of (statutory) victims of trafficking in persons

The State Fund for the Protection of and Assistance to Statutory Victims of Trafficking in Persons shall guide the process of rehabilitation and reintegration of (statutory) victims of trafficking in persons on behalf of the State.

The Fund, together with other actors leading the rehabilitation and reintegration process, shall elaborate the list of services promoting the rehabilitation and social reintegration of the (statutory) victims of trafficking in persons.

The Fund shall receive on a quarterly basis (or when necessary) the written information from the actors ensuring the rehabilitation and social reintegration processes about changes in services provided by them for the purposes of rehabilitation and reintegration. After receiving and processing such information the Fund shall renew the list of services offered by NGOs and international organizations.

The renewed document shall be kept at the Fund and the copies shall be distributed to the social workers.

The Fund shall elaborate and fund (as resources permit) such services that form the final package of services necessary for the purposes of rehabilitation and social reintegration, together with the services provided by the local NGOs and international organizations.

\(^6\) see, Annex 1, sample of the Individual Reintegration Plan
5. **Participation of a social worker in implementation of the individual plan of social reintegration**

Social worker is a person who secures the services provided to the (statutory) victim of trafficking in persons within the scope of the present Strategy; his/her activities are subject to state regulation provided for by the legislation. Social worker is an employee of the Fund.

A social worker, together with the (statutory) victim of trafficking in persons, shall elaborate the individual plan of social reintegration. When elaborating the individual plan, the priorities shall be divided into two groups: a) necessary, and b) desired services.

In seeking the funds for services the priority shall be attached to the relevant services necessary for social reintegration. Within the scope of available resources the desired services for social reintegration can also be provided.

In order to receive the services referred to in the list of services provided by the local NGOs and international organizations, a social worker, in agreement with the Fund, shall request the provision of services from the relevant organizations on behalf of a (statutory) victim.

If the local NGOs and international organizations can not provide support in the implementation of necessary components of the individual social reintegration plan, the Fund shall consider financing of the implementation of given components from its own resources.

The service to be funded by the Fund shall be determined in accordance with the needs considered in the individual plan, and it may not exceed GEL 2,000 per (statutory) victim. The Fund makes a decision concerning financing the social reintegration service from its financial resources.

6. **The role of local NGOs and international organizations in the reintegration process**

6.1. The local NGOs and international organizations shall participate in the social reintegration process within the scope of their programs and services, in accordance with the needs and requirements developed in the individual social reintegration plan jointly elaborated by the social worker and the (statutory) victim.

7. **The role of a social worker in the process of rehabilitation and social reintegration**

The database on social workers shall be developed by the Fund.

After rendering the status of a (statutory) victim of trafficking in persons, the Fund shall designate a social worker to the (statutory) victim, who, from this very moment starts working with the (statutory) victim, and at an initial stage identifies the primary rehabilitation needs for physical and mental recovery of the (statutory) victim.

Individual plan of social reintegration

The individual plan of social reintegration shall be developed in two stages:
upon identification of reintegration needs by the social worker and the (statutory) victim of trafficking in persons, the initial plan shall be designed;
after submitting the initial plan to the Fund, in agreement with the Fund and giving the due account to the available resources, the final individual plan of reintegration shall be developed, which determines the concrete services necessary for reintegration and identifies service provider organizations.
At the first stage a social worker shall explain to the (statutory) victim of trafficking in persons the importance and need of social reintegration, also provide him/her with information regarding all necessary procedures on drafting the reintegration of individual plan. A social worker, on the basis of informed consent of the victim, together with the (statutory) victim of trafficking in persons, shall identify the needs for social reintegration of the latter.

A social worker first shall submit the individual reintegration plan to the Fund. In agreement with the Fund a social worker shall make an appeal to the local NGOs and international organizations leading the rehabilitation and reintegration process to receive the service necessary for social reintegration.

After receiving the positive decision on provision of the certain service from the international and non-governmental organizations leading the rehabilitation and reintegration processes, including the funds, when necessary, provided by the Fund, a social worker, together with the (statutory) victim of trafficking in persons shall elaborate the final individual social reintegration plan.

The individual action plan with the relevant time-table shall be developed by the social worker in accordance with the specially designed Guidelines on Individual Plans of Social Reintegration, approved by the Fund.

The individual plan of social reintegration shall be signed by the (statutory) victim and the social worker.

Social worker is responsible for effective application of funds and services assigned for implementation of the individual reintegration plan. Social worker shall submit the reports on a monthly basis to the Fund and service providers about expenditures and completed works.

The individual social reintegration plan has the term of implementation and it may not exceed 12 months.

After completion of social reintegration process – as the term of individual plan has been exhausted – a social worker shall have communication with the (statutory) victim on a regular basis, within the form agreed with him/her, time and method, fully observing the confidentiality of communication.

Ground for termination of individual social reintegration plan

The individual social reintegration plan may be terminated based on the following grounds:

- upon expiry of the term of reintegration program;
- by the Fund, upon written request of the (statutory) victim of trafficking in persons (if the needs included in the rehabilitation plan have been changed, for example, marriage, etc.)
- By the Fund, upon gross and repeated violation of the implementation process of individual plan by the (statutory) victim.

8. Monitoring of implementation of the individual social reintegration plan of the (statutory) victim of trafficking in persons

A social worker is responsible for implementation of the individual plan. The monitoring over the implementation shall be exercised by the Fund, as well as international organizations and NGOs participating in the process of rehabilitation and social reintegration, within the scope of their competency.

In the process of monitoring the Fund is entitled to request from social worker information at any stage of implementation of the plan.
Individual Reintegration Plan

Time and date of registration: ____________________________;

(Statutory) Victim’s encrypted name: ____________________________;

Date of assignment of a social worker: ________________ Number of relevant decision by the Fund: ________________;

Social worker’s name, last name: ____________________________;

Information on the reintegration components and services:

<table>
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<th>#</th>
<th>Description of the components</th>
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<th>Important dates</th>
<th>Note</th>
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We, the undersigned confirm that:

this reintegration plan was jointly elaborated;
the (statutory) victim stands ready to carry out the activities that are outlined in the plan;
the social worker will assist the (statutory) victim in implementing the plan;
the implementation of the plan will be terminated in case of failure or repeated violation of the activities considered under the plan by the (statutory) victim.

Signatures:

(Statutory) Victim: ____________________________

Social worker: ____________________________

Date: ________________

Date: ________________
Please also note herewith that The State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons was established on the basis of the Law. A director of the State Fund was appointed by the Presidential Decree of May 25, 2006, and the Statute of the State Fund was adopted by the Presidential Order N437 on July 18, 2006. The State Fund functions under the supervision of the Ministry of Labour, Health and Social Welfare. The State Fund provides the payment of compensation to victims of trafficking and finances their protection, assistance and rehabilitation measures. The Compensation amounts to 1,000 GEL per victim.

The Law also ensured creation of the institution providing services for the TIP victims (the shelter).

The first shelter started functioning in summer of 2006. The Government of Ajara Autonomous Republic donated building in the region where the first shelter was located.

The second shelter for the victims of trafficking in persons in East Georgia was open in 2007.

The Law on Combating TIP introduced a new mechanism of protection of persons subjected to TIP: it provides for a possibility for the persons allegedly subjected to TIP, to receive protection from the State, notwithstanding their willingness to cooperate with the law enforcement authorities. Namely, the Law on TIP provides that there may be “victim of TIP”, i.e. a person, identified as a victim of this crime, who incurred the moral, physical or material damage and who is recognized as a TIP victim by the Permanent Group created at the Interagency Coordination Council. Thus, there may be persons, recognized as “TIP victims” by the Permanent Group, who shall be distinguished from the “statutory victims of TIP”, i.e. persons, who are willing to reveal their cases to the law enforcement bodies and are recognized as TIP victims in accordance with the Georgian criminal legislation.

A person shall be placed in a shelter only if the status of victim of human trafficking is granted to him/her either by the law enforcement bodies or by the Permanent Group, and only on the basis of his/her consent. A victim of trafficking in persons may be placed in the shelter despite his/her decision to cooperate or not with the law-enforcement authorities in the proceedings conducted into the crime in question.

The existing TIP shelters function with the State Fund for Protection of and Assistance to the Victims of Trafficking in Persons as its structural element. Additionally, any natural or legal person is entitled to establish a shelter in the form of a private non-profit legal person. Any of the shelters must meet the standards established by the Georgian legislation.

Shelters provide the following services:
1. Secure place of residence with decent living conditions;
2. Food and clothes;
3. Medical assistance;
4. Psychological counseling;
5. Legal assistance and court representation (including filing complaints, appearing in court proceedings as a witness, requesting asylum, obtaining documents for returning to the country of origin);
6. Providing the information in the language the victim understands; provision of the assistance of the lawyer in case of necessity;
7. Participation in the long-term and short-term programs of rehabilitation and reintegration.

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7 Please note, that the National Referral Mechanism has been employed by the Permanent Group for granting a status of the “TIP victim” since 2007. The decisions are made by a group, composed of a judge, representatives of the Ministry of Justice, the Public Defender’s Office, the non-governmental organization.