

**The Decree #437 of the President of Georgia
issued on July 18, 2006, Tbilisi**

**on approval of the Statute of the Legal Entity of Public Law – The State Fund for
Protection of and Assistance to (statutory) Victims of Trafficking in Persons**

**The Statute of the Legal Entity of Public Law – The State Fund for Protection
of and Assistance to (statutory) Victims of Trafficking in Persons should be
approved in pursuance to Article 9, paragraph 5 of the Law of Georgia on
Combating Trafficking in Persons**

**The Statute of the Legal Entity of Public Law – The State Fund for Protection of and
Assistance to (statutory) Victims of Trafficking in Persons**

Article 1. General Provisions

1. The State Fund for Protection of and Assistance to (statutory) Victims of Trafficking in Persons (hereinafter referred to as a Fund) is a legal entity of public law, created on the bases of the law of Georgia on “Combating Trafficking in Persons”;
2. The Fund as a legal entity of public law acquires rights and obligations with a view to implement objectives and functions set by the Statute;
3. The Fund in its activities is governed by the Georgian Constitution, by the Law of Georgia on “Combating Trafficking in Human Beings”, by the Statute and other normative acts;
4. The Fund is created on the basis of state property. The Ministry of Labor, Health and Social Protection of Georgia (hereinafter referred to as the Ministry) carries out its state control;
5. The Fund has a seal with a small picture of the state emblem and the title of the Fund thereon. The Fund also has a separate bank account.
6. The legal address of the Fund is: Gamsakhurdia Av. No 30, Tbilisi

Article 2. Objectives

- a) to assist the victims of trafficking in human beings and protect their legal interests;
- b) to ensure the victims of trafficking in human beings with a shelter, legal, psychological, medical and/or other aid;
- c) to promote rehabilitation of the victims of trafficking in human beings and their full reintegration in the families and in the society;
- d) to give compensations to the victims of trafficking in human beings.

Article 3. Functions and Activities

The Fund:

- a) raises necessary funds with a view to ensure protection, assistance and rehabilitation of the victims of trafficking in human beings;
- b) funds the activities directed to protection, assistance and rehabilitation of the victims of trafficking in human beings;
- c) allots necessary sums for identification of the victims of trafficking in human beings;
- d) actively cooperates with governmental, non-governmental and international organizations with a view to protect, assist and rehabilitate victims of trafficking in human beings;
- e) elaborates and participates in preparing of the drafts of normative acts with a view to protect, assist and rehabilitate victims of trafficking in human beings;
- f) ensures full observance of honor, dignity, privacy and security of the victims of trafficking in human beings;
- g) ensures full confidentiality of the personal data of the victims of trafficking in human beings;
- h) within its competence organizes, coordinates, manages and controls activities of the structural units;
- i) works out and implements relevant measures for professional development of the employees of the Fund.

Article 4. Rights and Obligations

1. Within its competence, the Fund is entitled to:
 - a) organize allotment of compensations to the victims of trafficking in human beings;
 - b) control circulation of the Fund's incomes;
 - c) carry out economic activities according to the rules established by law;
 - d) request and receive from the state agencies, legal entities and natural persons information necessary for the Fund's activity permitted by the legislation;
 - e) arrange conferences, meetings, seminars and apply other means to disseminate information;
2. When implementing its activities the Fund should carry out financial accounting and reporting, make up a balance and submit it to the Ministry for approval.

Article 5. Property of the Fund

1. With a view to achieve the set objectives and imposed functions, the Ministry of Economic Development transfers to the Fund property according to the rules envisaged by law.
2. The Ministry approves the annual balance of the Fund;
3. Independent auditor, appointed by the Ministry inspects the annual balance of the Fund;

Article 6. Source of income

The sources of funding are:

- a) state budgetary funds;
- b) funds received from international organizations;

- c) donations of legal entities and natural persons;
- d) other incomes permitted by the Georgian legislation.

Article 7. Activities that require consent

1. The Fund shall implement the following activities, upon the consent of the Ministry:
 - a) procure, sell and mortgage real property;
 - b) take a loan;
 - c) act as a surety;
 - d) identify the staffing policy and amount of the salary fund;
 - e) make other decisions with respect to the property of the Fund, if they are not within the frames of the general activities;

2. For implementing activities envisaged by subparagraphs b and c of paragraph 1 of the Article, the consent of the Ministry of Finance is necessary.

3. The denial of the Ministry for implementation of activities envisaged by paragraph 1 of the Article should be justified.

Article 8. Management and structure

The governing bodies of the Fund are:

- a) Supervisory board
- b) A director

Article 9. Supervisory Board

1. Supervisory Board is an organ set up for coordination of activities of a Fund.
2. Representatives of international organizations, state agencies working in the field, non-commercial legal entities and representatives of international organizations, specialists working in the sphere and scientists enter the Supervisory Board of the Fund.
3. Upon submission of A-TIP Interagency Coordination Council (hereinafter referred to as an Interagency Coordination Council) the President of Georgia appoints seven members of the Coordination Council for a one year term.
4. Director of a Fund, coordinator of a structural unit of a Fund or an employee can not be a member of the Supervisory Board.
5. Members of a Supervisory Board elect the head of a Supervisory Board from its composition by at least 5 votes.
6. In case of absence of the head of the Supervisory Board, upon his instruction, one of the members of the Board substitutes him.
7. Head of the Supervisory Board invites sessions of the Supervisory Board and makes up an agenda.

8. Supervisory Board is authorized to take decisions if at least 5 members of the Board attend the session. The Board makes decision by the majority votes. In case the votes are divided equally, the vote of the chairperson is of a decisive importance.

9. Sessions of a Supervisory Board are carried out according to the necessity, in pursuance to the activities of the Fund at least once in three months. Members of a Supervisory Board are notified on arranging of sessions at least 7 days earlier before the session.

10. Board decisions are registered in the report that is signed by the head of the Board. If one of the members of the board does not agree with the adopted decision, s/he is entitled to write down his/her differed opinion in the report of the session;

11. Members of a Supervisory Board are entitled to ensure confidentiality of the information, which became known upon fulfillment of his duties as a member of the Supervisory Board;

12. A Supervisory Board

- a) Examines a draft budget and periodic and annual reports of the Fund's activities;
- b) Approves the annual activity plan of the Fund;
- c) Examines, approves and submits to the President annual report on the activities of the Fund;

13. The Supervisory board is entitled to request information pertaining to its activities according to the rules prescribed by the Constitution and to check fidelity of submitted data and information.

Article 10. Director

1. The Fund is managed by a Director, who upon the submission of the Georgian Minister of Labor, Health and Social Protection (hereinafter referred to as the Minister) is appointed on and discharged from the position by the President of Georgia.

2. A director:

- a) coordinates activities of the Fund and manages issues within the field of the Fund;
- b) acts on behalf of the Fund and without the special trust represents its interest in relationships before all governmental and non-governmental organizations, as well as before the court;
- c) recruits and discharges employees of the Fund;
- d) issues individual orders, that are binding for all the employees of the Fund;
- e) upon the agreement with the Minister approves the staff list and a salary fund;
- f) approves the operational manual of the Fund;
- g) manages resources of the Fund and controls expenditures, bears responsibility on reasonable and correct spending of the property and funds;
- h) enters into contracts;
- i) manages activities of the Fund personally and is responsible on right and legal management of the Fund;
- j) submits periodic and annual reports to the Supervisory Board;

3. A Deputy Director substitutes a Director in his duties when absent.

Article 11. The Office for Serving Victims of Trafficking (Shelter)

1. The Shelter for the victims of trafficking is a structural unit of a Fund created with a view to protect and assist victims of human trafficking;
2. The Shelter should meet the standards prescribed by the Georgian legislation;
3. Victim of trafficking, who suffered moral, physical or property damage as a result of crime of trafficking and was considered by the Interagency Coordination Council as such may benefit from the service of the Shelter.
4. A person may be placed in the Shelter only upon his/her consent;
5. The issue of placing a victim of trafficking in the Shelter does not depend on his/her cooperation with law enforcement officials in criminal proceeding.

Article 12. The procedures of being placed in the Shelter

1. A permanent group under the Interagency Coordination Council makes decision on granting a victim status not later than 48 hours when the alleged victim applies to the Shelter or other relevant agency;
2. According to the National Referral Mechanism, a permanent group makes decision on granting a victim status;
3. In case a person is granted a victim status, s/he will be moved to the Shelter;
4. A victim of trafficking is placed in the Shelter on the basis of a contract, considering his age, gender and special demands. A contract is made among the victim and a Shelter Administration;
5. Victim of trafficking undergoes medical inspection immediately after s/he is placed therein;
6. A victim of trafficking shall observe guidelines of the Shelter, which s/he receives immediately.

Article 13. The term for staying in the Shelter and conditions for leaving it

1. The term for staying in the Shelter is three months. After expiration of the period the condition of the victims should be evaluated and if necessary, the administrator of the shelter shall extend the period;
2. The victim shall leave the Shelter even before expiring the term, if s/he is considered healthy mentally and physically or wants to do so;
3. In case the victim of trafficking disobeys guidelines of the Shelter, s/he shall leave it;
4. Upon the wish of a victim, the Shelter shall provide her/him with the following free service:
 - a) Secure place of residence with decent living conditions;
 - b) Food and cloths;
 - c) Medical assistance;
 - d) Psychological consultations;
 - e) Legal aid and court representation;
 - f) Providing information in the language the victim understands; Provision of the assistance of the lawyer in case of necessity;
 - g) Participation in short-term and long- term programs of victim rehabilitation and reintegration.

Article 14. Management of the Shelter and its Staff

1. The Coordination Council by at least 5 votes appoints and discharges the Administrator of the Shelter who is submitted by the Director of the State Fund for Protection of and Assistance to (Statutory) Victims of Trafficking in Persons;
2. The Administrator:
 - a) Supervises the Shelter and bears responsibility on its normal functioning;
 - b) Represents the Shelter before the third persons;
 - c) Reports periodically to the Director of the Fund
3. The Shelter has:
 - a) a regular staff: a doctor, a psychologist, a lawyer, social servant and other specialists, who should possess relevant education (in legal, medical, physiological, social field) and have attended special training course on trafficking or have experience to work with the victims of human trafficking;
 - b) one-off service providers: specialists recruited for the job on a temporary bases, when necessary on contractual relationships;
4. Administration of the Shelter and its personnel should observe confidentiality of their official duties.

Article 15. The State Control

1. The Ministry undertakes the state control of the Fund, which implies inspection of expediency, legality and effectiveness of its financial –economic activities;
2. The Ministry requests from the Fund necessary documents and information to carry out inspection;
3. The Ministry is entitled to terminate or repeal Fund's illegal decision.

Article 16. Reorganization and liquidation of the Fund

1. Reorganization and liquidation of the Fund is carried out according to the rules prescribed by law;
2. The remained property becomes the state ownership.

Article 17. Amendments to the Charter of the Fund

Amendments to the Statute of the Fund are introduced on the basis of the Presidential order.