

2018 Trafficking in Persons Report: Estonia

ESTONIA: Tier 1

The Government of Estonia fully meets the minimum standards for the elimination of trafficking. The government made key achievements to do so during the reporting period; therefore Estonia was upgraded to Tier 1.

These achievements included implementing the Victim Support Act, which allowed victims to receive services without first requiring cooperation with law enforcement and granted access to services for presumed victims who chose not to participate in criminal proceedings. The government also criminalized the knowing procurement of commercial sex from trafficking victims.

Although the government meets the minimum standards, it did not provide sufficient specialized training for lawyers, prosecutors, and judges on a victim-centric approach, which hampered prosecution efforts.

RECOMMENDATIONS FOR ESTONIA

Increase specialized training for investigators and prosecutors on applying section 133 and working with victims serving as witnesses; increase efforts to investigate, prosecute, and convict traffickers under section 133 of the penal code; encourage police and the labor inspectorate to investigate labor trafficking, including labor recruiters engaging in fraudulent practices; provide training for judges to ensure the judiciary understands the severity of the crime when issuing sentences; encourage more victims to assist prosecutions by facilitating access to effective legal counsel; and inform victims of the option to pursue court-ordered compensation from their traffickers.

PROSECUTION

The government maintained law enforcement efforts. Sections 133 and 175 of the penal code criminalized sex and labor trafficking. Section 133 criminalized the use of force, fraud, or coercion to induce a person to engage in prostitution, begging, criminal offenses, or other labor and prescribed penalties of one to seven years imprisonment for offenses involving adult victims and three to 15 years imprisonment for those involving child victims.

Section 175 criminalized inducing a child to engage in a criminal offense, begging, prostitution, or pornography without requiring a demonstration of force, fraud, or

coercion and prescribed penalties of two to 10 years imprisonment. The penalties under both section 133 and 175 were sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. In July 2017, the Estonian penal code was amended to criminalize the knowing procurement of commercial sex from trafficking victims.

Police investigated 10 new cases under section 133 in 2017, a decrease from 15 in 2016. Authorities also registered 67 crimes under section 175, compared with 59 in 2016. In 2017, the government prosecuted 16 cases under section 133, an increase from 14 cases in 2016. Authorities also began prosecutions in 57 cases under section 175, an increase from 32 in the previous year. Courts convicted 14 traffickers under section 133 in 2017, an increase from 11 in 2016. All 14 traffickers received prison sentences, which ranged from two to six years.

Authorities did not report convicting any traffickers under section 175, compared to eight convictions in 2016. The government continued to provide training for law enforcement officials. Government officials, including labor inspectors, national judges, and prosecutors, participated in international training seminars. The government hosted a two day forum in May 2017 for 100 participants from Nordic and Baltic countries, which supported the Nordic Council of Ministers' program to combat human trafficking. However, observers noted that defense lawyers and victims' legal counsel were often not trained on the legislation.

Furthermore, while judges would benefit from specialized training, they were not receptive to it. The government reported that two judges participated in training this year. Authorities cooperated in one transnational investigation. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government increased protection efforts. Amendments to the Victim Support Act and the penal code were implemented in 2017, which allowed NGOs to identify victims and refer them to the Social Insurance Board, permitting victims to receive comprehensive, government-funded, trafficking-specific services without first requiring the victim's cooperation with police or the commencement of criminal proceedings.

Victims who cooperated with law enforcement received services for an unrestricted time period while presumed victims who did not participate in criminal proceedings could receive government-funded services for up to 60 days.

The law also guaranteed victims access to support and assistance when criminal proceedings were initiated outside of Estonia and an authority of another country identified the victim. Fourteen recognized victims and presumed victims received government-sponsored assistance in 2017, the same as in 2016. Eleven victims were Estonian, three were foreign nationals; 11 victims were women, and three were men. The government newly identified 12 victims in 2017, four of whom chose not to receive victim assistance; the government identified nine victims in 2016. Foreign victims were eligible to receive temporary residence permits, accommodation, and education; the government did not report granting residency permits to foreign victims in 2017.

In 2017, the social security board disbursed approximately €33,960 (\$40,770) for trafficking victims support, whereas the government spent €196,050 (\$235,350) in 2016. In addition, the Ministry of Social Affairs provided approximately €99,500 (\$119,450) to an NGO providing support services to women in prostitution, some of whom may have been sex trafficking victims.

Funds were disbursed based on victims' needs, rather than a specific budget. Authorities placed unaccompanied children and child victims in alternative care facilities, including a dedicated center for victims of child abuse, including sexual violence and trafficking. Adult male victims had access to legal counseling and other services. A witness protection law allowed trafficking victims to provide testimony anonymously, but authorities did not report whether this had ever been applied in a trafficking case or whether victims had ever served as witnesses in criminal trials. Six victims received restitution in two separate cases in 2017.

PREVENTION

The government maintained prevention efforts. Authorities ran a series of campaigns, in Estonian and Russian, designed to increase awareness of labor exploitation, risks of commercial sex, and forced criminality of children. The government continued to fund and implement the 2015-2020 plan for reducing violence, including trafficking.

The anti-trafficking working group, comprising 35 government agencies and NGOs, continued to meet regularly and published an annual public report of its activities. The government provided an NGO with approximately €38,000 (\$45,620) to operate an anti-trafficking hotline; the hotline received 377 calls from individuals vulnerable to trafficking during the reporting period and was managed by a multilingual staff. The government provided anti-trafficking training for its

diplomatic personnel. The government demonstrated efforts to reduce the demand for commercial sex acts and forced labor.

TRAFFICKING PROFILE

As reported over the past five years, Estonia is a source, transit, and destination country for women and girls subjected to sex trafficking and for men, women, and children subjected to forced labor. Estonian women and children are subjected to sex trafficking within Estonia and in other European countries.

Women are increasingly exposed to trafficking as a result of sham marriages outside of Estonia; the women enter the marriages willingly, but their passports are confiscated and they are forced into prostitution or labor. Men and women from Estonia are subjected to conditions of forced labor within Estonia and elsewhere in Europe, particularly in the construction, cleaning, and social welfare sectors, as well as in seasonal jobs.

Estonian children are forced to commit crimes, such as theft, to benefit their exploiters. Men from Ukraine, Moldova, Belarus, and Georgia are subjected to labor exploitation within Estonia, particularly in construction, agriculture, and forestry. Stateless residents in Estonia were especially vulnerable to trafficking. Vietnamese nationals subjected to forced labor and sexual exploitation transit Estonia en route to other EU countries.