

2011 TIP Report - Estonia's country narrative

ESTONIA (Tier 2 Watch List)

Estonia is a source, transit, and destination country for women subjected to forced prostitution, and for men and women subjected to conditions of forced labor. Estonian women from rural areas are forced into prostitution in Tallinn. Women from Estonia are found in sex trafficking situations in Finland, the Netherlands, the United Kingdom, Germany, and Italy. Young Estonian women forced into marriage abroad after promises of employment were also vulnerable to trafficking in persons. Men and women from Estonia are subjected to conditions of forced labor in Spain, Sweden, Norway, and Finland.

The Government of Estonia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of increasing efforts over the previous reporting period; therefore, Estonia is placed on Tier 2 Watch List. No victims participated in prosecutions this year, and victims reported being frightened and traumatized during police interrogations. Although the government had committed to the enactment of a comprehensive anti-trafficking law in prior reporting periods, it did not pass a criminal anti-trafficking law during the reporting period. Estonia remains the only European Union country without a trafficking-specific law. Those trafficking offenders convicted under non-trafficking statutes avoided accountability; all trafficking offenders convicted under Article 133 received suspended sentences this year. The Estonian government, however, gave some financial support to NGOs who care for trafficking victims, and it developed a national action plan with elements addressing trafficking in persons.

Recommendations for Estonia: Draft a trafficking-specific criminal statute that incorporates a comprehensive definition of trafficking in persons, including the transportation, harboring, obtaining, or recruitment of a trafficking victim and the use of coercion as a prohibited means; increase efforts to investigate, prosecute, convict, and punish trafficking offenders; increase the number of trafficking victims identified by government officials; strengthen anti-trafficking training, and encourage government officials to engage in the trafficking victim identification process; ensure that potential trafficking victims are fully informed of their rights upon identification, including the right to a residency permit; encourage more victims to assist in the prosecution of trafficking offenders; consider incorporating NGOs into law enforcement interviews; increase victim protections during trial; increase the number of repatriated Estonian trafficking victims assisted; consider coordinating trafficking victim services with the Ministry of Foreign Affairs to ensure that repatriated victims were fully aware of available victim services; fully implement the trafficking-specific policy objectives in the Development Plan for Reducing Violence for Years 2010-2014; collect law enforcement data and victim protection data on trafficking; and publish an annual report on trafficking.

Prosecution

The Government of Estonia demonstrated mixed law enforcement efforts during the reporting period. The government still does not have a trafficking law and prosecutions remained low. Estonian law does not prohibit all forms of trafficking, though its criminal code prohibits some elements of human trafficking under Articles 133, 175, and 176 of the criminal code. The penalties prescribed for such acts range up to 12 years' imprisonment in aggravated cases, a penalty that is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as forcible sexual assault. Despite these prescribed penalties, all trafficking offenders received suspended sentences this year, unlike in the previous years. During the reporting period, Estonian authorities conducted three investigations and prosecuted three sex trafficking offenders under Article 133, compared with approximately five investigations under this statute in 2009, and two investigations under the same statute in 2008. Estonian authorities convicted three trafficking offenders under Article 133, compared with three convictions in 2009, and two convictions under Article 133 in 2008. All three trafficking offenders received suspended sentences. In 2009, one trafficking offender received 53 months in prison, while two trafficking offenders received suspended sentences. This year, no victims assisted in the investigation and prosecution of trafficking offenders. In September, October, and November 2010, the Estonian government funded eight anti-trafficking trainings for police officers, border guards, migration officers, and youth workers. These trainings were conducted in both Estonian and Russian in order to reach all vulnerable populations. The government provided no specialized law enforcement unit for trafficking. The Estonian law enforcement authorities collaborated with Sweden on a trafficking case. One Estonian trafficking offender was extradited from Ukraine during the reporting period. The Estonian government did not report the investigation, prosecution, or conviction of any officials complicit in trafficking during the reporting period.

Protection

The Government of Estonia demonstrated decreased victim protection efforts during the reporting period. Despite distributing trafficking victim identification guidelines to relevant organizations and ministries, the government only identified 10 trafficking victims during the reporting period. NGOs, however, identified 47 and cared for 57 victims, in part by using the trafficking identification model. Last year, the government cared for 78 victims.

Intergovernmental organizations and NGOs reported that the focus of victim identification was limited to sex trafficking rather than labor trafficking. According to experts, the labor inspectorates and other labor actors were not fully integrated into the victim identification process. The government continued to fund anti-trafficking training, including a one-day training on assisting trafficking victims and a training of consular officers; the government conducted a total of 11 anti-trafficking trainings this year, down from 40 sessions in 2009, when it conducted a broad-based effort to train key officials on its victim identification model. In total, the government allocated approximately \$142,630 for victim assistance during the

reporting period, down from \$181,500 in 2009. The government encouraged victims to participate in prosecutions by providing restitution to victims through the criminal process and by advising victims about the legal process.

Intergovernmental associations and NGOs reported that a high number of victims disappeared after pretrial investigations, and that victims of trafficking were afraid to cooperate with the police or testify in court. Experts reported that victim/witness protection was rarely applied in human trafficking cases, and that criminal justice actors did not protect victims of trafficking from threats or intimidation during trial. The government assisted two trafficking victims repatriated to Estonia by providing counseling sessions and shelter. The government claimed that no identified trafficking victims were penalized for unlawful acts committed while being trafficked. Although foreign victims are eligible to apply for temporary residency for the duration of criminal investigations and legal proceedings in which they participate, no victims applied for residency in 2010; one NGO reported that no trafficking victim has ever applied for a trafficking temporary residence permit since its introduction in 2007.

Prevention

The government demonstrated modest prevention activities during the reporting period. The government disseminated materials on trafficking at the Ministry of Foreign Affairs, at the airport, and at harbors. The government also distributed trafficking related materials at an annual tourism fair. The government drafted a Development Plan for Reducing Violence for Years 2010-2014, which contained, as one of several subparts, a sophisticated analysis of Estonia's human trafficking challenges, including indicators for evaluating the success of its anti-trafficking program. Under the auspices of the Development Plan, the government conducted research during the reporting period on forced labor in Estonia to understand the scope of the problem. The government also funded an NGO to operate an anti-trafficking hotline. Nevertheless, there was no nationwide awareness raising campaign on trafficking. There were no special campaigns to reduce the demand for commercial sex, although the topic was covered at seminars on trafficking.