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**Combating Trafficking in Persons in Estonia:  
Experts Opinions about Problems and Solutions**

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## 1. Background

Trafficking in persons is a problem that gets more and more coverage throughout the world. The reason is simple – it is a phenomenon of both domestic and international nature, violating the human rights of the victims, and violating international agreements that are concluded for the purpose of restraining this criminal activity. Traffickers in persons cunningly exploit the wish of people to go abroad or into big cities to search for a better life, a wish that is rooted in indigence and unemployment, economic and gender inequality. Tempting employment ads entice people to change their place of residence and start working for the criminals – first maybe voluntarily, but later on regardless of their free will. Rehabilitation of the victims and neutralisation of the criminals are, however, difficult tasks for the countries.

Although trafficking in persons is not a new problem for the world, it has become especially problematic for Europe after the political and economic changes that took place in the beginning of the 1990s in Central and Eastern Europe. Opening of borders in the eastern direction, lack of internal border control in Western Europe, development of technology, and global free movement of people have all contributed to the growth of organised crime, and the wide and rapid spread of trafficking in persons. Estonia has not been left untouched by these problems, unfortunately.

Numerous international conventions have been adopted to impede trafficking in persons, and Estonia is a member of most of them. In December 2000 Estonia signed the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (The Palermo Protocol). The protocol was ratified in March 2004, and by this step Estonia assumed a serious responsibility to fight against trafficking in persons.

The purpose of the Palermo Protocol is preventing trafficking in persons, and fighting against it, paying special attention to women and children; protecting and aiding the victims of trafficking in persons while fully honouring their human rights, and stimulating the co-operation of the member countries. Above all the protocol prescribes focussing on the following fields of activity:

- prevention of trafficking in persons, paying special attention to trafficking in women and children;

- protection, support and help to the victims of trafficking;
- prosecution of groups and networks involved in trafficking in persons<sup>1</sup>

The definition of trafficking in persons laid down in the protocol, that should also be used in Estonia, classifies trafficking in persons as follows:

- a) *‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of 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 of a person, 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;*
- b) *The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;*
- c) *The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;*
- d) *“Child” shall mean any person under eighteen years of age<sup>2</sup>*

## **2. Background of the research**

The purpose of this project, financed by the Nordic Council of Ministers, was to find out what are the obstacles that the specialists, whose every-day work entails more or less encounters with the topic of trafficking in persons, are or could be faced with and what, in their opinion, could be done to improve the situation or to make the fight against trafficking in persons in Estonia more efficient.

Questionnaires, which covered different topics, depending on particular features of interviewees’ groups, were developed. Altogether, there were six groups of people interviewed: the police, the border guard, the Prosecutor’s Office, the courts, the social work sector, the Citizenship and Migration Board, and non-profit associations.

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<sup>1</sup> RT II, 07.04.2004, 7,23

<sup>2</sup> *ibid.*

In addition to their own opinions and knowledge, within a one month period (15 April – 15 May 2004), experts in every field (for example a police officer, a social worker, a worker of a non-profit association) were requested to gather information from other specialists who encounter trafficking in persons and prostitution in their particular fields of activity. The expert analysed the information gathered from his or her colleagues independently and, based on the insight, completed the questionnaire. Therefore, the answers of the police questionnaire for example, do not communicate only the personal opinions of the police officer who answered the questions, but reflect the viewpoints of the police in a wider perspective. It is not the official opinion of one or another institution, but rather a manifestation of the opinions of different experts.

Altogether, 13 specific questionnaires were distributed to the experts who were divided into the following categories:

- the police (4 experts: Põhja Police Prefecture, Lõuna Police Prefecture, Ida Police Prefecture);
- the Prosecutor's Office and the courts (3 experts: Lõuna Prosecutor's Office, State Prosecutor's Office, Tallinn City Court);
- Citizenship and Migration Board (2 experts);
- the social work sector (2 experts);
- Board of Border Guard (1 expert);
- non-profit associations (1 expert).

### **3. Method of analysis**

Different topics on which the experts communicated the opinions of the representatives of their particular fields of activity were taken as the basis for the research. Thus, the opinions of the experts in all fields of activity are presented under every topic. The covered topics are: definition of trafficking in persons, the gravity of the problem, the anticipated impact of Estonia's membership in the European Union on trafficking in persons in Estonia, the joint campaign of the Nordic and Baltic countries against trafficking in women and the impact of this campaign, trafficking in humans as a problem for the Estonian state, obstacles in work caused by the existing legislation and possible solutions to such obstacles, co-operation, communication, and training. Depending on particular fields, topics like rehabilitation of the

victims (especially in the social work sector), issues of financial resources (especially in the field of non-profit associations), and so forth were covered as well.

As the objective of the project was to reveal the viewpoints of the representatives of different fields and to encourage these people to express their opinions, the questionnaire contained as few questions with closed answers as possible. Most of the questions were either totally open or semi-structured (multiple choice answers and an open comment in free form).

In some questions the experts were also asked to communicate their opinion on the scale of one to five (for example, a question about the directions of trafficking in persons and a question about the efficiency of social work). The scale was based on a principle according to which grade-five meant the maximum rating and grade-one marked the minimum (for example, “excellent” – 5, and “no co-operation” – 1).

As the sample size of this research was intentionally chosen to be small, the analysis of the data is not so much focussed on numerical figures, instead it aims to present the differences in the opinions and evaluations of the experts in the most expressive way possible. The research also aspires to show that the expert opinions and evaluations reflect the variety of views among the country’s institutions.

#### **4. Definition of trafficking in persons and the importance of the problem**

##### *POLICE*

Police experts gave relatively different evaluations to the gravity and actuality of the problem of trafficking in persons in Estonia. The reason for the wide scale of opinions is probably rooted in the lack of a unanimous definition of trafficking in persons, but also in the fact that there is very little statistical information available that would allow one to “measure” the extent of the problem. The police experts pointed out that trafficking in persons exists in Estonia mostly in the form of prostitution, but not exclusively.

Problems related to trafficking in persons from Estonia and trafficking in persons inside the country (domestic trafficking is mostly perceived as prostitution) were deemed equally severe. In addition to domestic trafficking in persons and that directed from Estonia to other countries, the police experts consider trafficking in persons into Estonia a rather significant problem also. The reason for that may lie in the fact that women from Estonia prefer to work abroad as prostitutes, creating thus a need for so-called donor prostitutes who would satisfy the demand in Estonia.

## *BORDER GUARD*

Information gathered by the Border Guard expert reveals that trafficking in persons is currently not considered a big problem in Estonia at all. The expert clarified that this viewpoint is based on the definition of the term “trafficking in persons” given by the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, that does not identify trafficking in persons as prostitution<sup>3</sup>. This statement is not the official opinion of the Board of Border Guard, but rather communicates the perspectives of the people that the expert conversed with.

Although prostitution exists in Estonia without any doubt, the Border Guard does not have enough information about incidents of trafficking in persons. Lack of information is the reason why the situation can be rated as not being serious, as only a very small number of cases have ever reached the courts.

However, when considering procuring for prostitution and slavery as trafficking in persons in Estonia, then, according to the Border Guard expert, the problems are caused rather by brothels operating within the country. There is no information available on trafficking in persons to and from Estonia, and thus the Border Guard maintains that unless proven otherwise it is not a big problem.

## *PROSECUTOR’S OFFICE AND THE COURTS*

According to the experts, the Prosecutor’s Office and the courts see the problem of trafficking in persons in Estonia differently. Some consider the problem very severe while others believe it to be moderate. Although trafficking into the country was unanimously considered as the least severe problem, there was no consensus on defining the most disturbing kind of trafficking in persons. The information accumulated by the experts reveals that some prosecutors and judges consider domestic trafficking in persons the most problematic issue. However, at the same time some maintain the position that trafficking from Estonia should be considered as the most important.

This is obviously rooted again in the problem of definition – in the question of whether domestic prostitution is defined as trafficking in persons and to what extent this definition is used. In the case of domestic prostitution it was noted that the enticing of minors into

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<sup>3</sup> The position that the Protocol on trafficking in persons supplementing the United Nations Convention against Transnational Organized Crime does not identify trafficking in persons as prostitution is questionable. The text of the Supplementing Protocol is given in Chapter 1 “Background.”



prostitution is indeed a serious matter. In the case of adult prostitution, however, there is no unanimity on whether it should be defined as trafficking in persons.

### *SOCIAL WORK SECTOR*

Experts of the social work sector consider the current problem with trafficking in persons in Estonia as either serious or extremely serious. In most cases trafficking in persons from Estonia was regarded as the most significant issue. At the same time, there were opinions expressed that trafficking of persons from Estonia is relatively insignificant – domestic sex trafficking, and/or trafficking in persons into the country should be regarded as the most problematic issues.

In view of the above, it becomes evident that there is no consensus among the representatives of the social work sector with regard to what should and what should not be defined as trafficking in persons. In most cases, trafficking in persons is understood as an activity where people (mostly young women) are taken (against their will) across the state border. With regard to the domestic sex trade, there is no unanimous understanding of whether or not it does represent trafficking in persons. Other forms of trafficking in persons besides the sex trade were never mentioned. Thus it seems that the definition of trafficking in persons is reduced to trafficking that involves sexual exploitation only.

According to the social workers the risk group for being trafficked consists predominantly of young people with low level of awareness who see no prospects for themselves in Estonia. Their aim is to go abroad in hopes that there they would have an opportunity to become rich quickly.

According to the opinion of the respondents in the social work sector, the victims can be most easily found from underprivileged families and among the children who are left without parental care. Another fertile ground for victims of trafficking in persons are orphanages, and the friendship circle of those living in orphanages. Furthermore, there are known cases where the parents contribute to their daughter's becoming involved in rendering sexual services as the children are the only source of income for the family.

### *CITIZENSHIP AND MIGRATION BOARD*

According to the representatives of migration offices the current problem of trafficking in persons in Estonia is grave. They added that since it is a complicated problem, the state should immediately start dealing with it effectively, otherwise it can get even worse.

Trafficking in persons from Estonia was considered the most critical of all. However, domestic trafficking in persons, trafficking directed into the country, and trafficking operations where Estonia is used as a basis for transit, are not significantly less important either. It was pointed out that it is a rather widespread practice that schemes are used where fines, penalty payments, state fees for residence permits, etc. are paid for the person. As a result, the individual becomes dependent on the other person.

### *NON-PROFIT ASSOCIATIONS*

Representatives of non-profit associations considered the current situation of trafficking in persons rather moderate. Domestic trafficking in persons was rated the most serious, while trafficking in persons from Estonia was said to be of a somewhat lower importance. The frequency of using Estonia as the target for trafficking in persons was considered less significant in relation to the issues discussed above.

## **5. Estimated influence of the accession to the European Union on trafficking in persons related to Estonia**

Prior to the enlargement of the European Union, people often expressed their concern that the joining countries will bring with them an increase of criminal activities, including trafficking in persons. Economic inequality between the “old members”, and the newcomers is the principal reason for such concern. After elimination of border control, it is anticipated that organised crime will be able to become even more efficient than it was before, and that migration will increase. What do the interviewed experts in Estonia think about the enlargement?

### *POLICE*

The police experts maintain the opinion that European Union membership is not likely to result in any significant changes in the trafficking in persons. It is certain that the police and the Border Guard will be left with fewer possibilities to inspect the persons who head out of

the country and consequently, a record of the people going out of the country will cease to exist. At the same time, the police do not forecast any drastic changes.

### *BORDER GUARD*

The expert from the Border Guard office estimated that the number of people attempting to use forged passports to cross borders would increase after Estonia becomes a member of the European Union. It can be assumed that people who are prohibited to enter the Nordic countries or Estonia will attempt to come here nevertheless<sup>4</sup>.

However, after joining the European Union trafficking in persons and related offences will probably not decline either. The question occurs, how large a share of these offences will the authorities be able to discover and how many of these offences will be reported (by the victims, for example).

### *PROSECUTOR'S OFFICE AND THE COURTS*

All respondents acknowledged the contributing effect that European Union membership's simplified border crossing would have on trafficking in persons. The respondents shared the opinion that the increased possibilities for people to move freely within the European Union will increase the spread of trafficking in persons. The respondents were mostly concerned with trafficking in persons from Estonia, and such trafficking in persons where Estonia is used as a transit country. The respondents did not believe that trafficking in persons into Estonia would increase, because Estonia is considered a small country of relatively low importance.

### *SOCIAL WORK SECTOR*

The respondents fell into two opposing categories when assessing the potential effects of Estonia's joining the European Union – the optimists and the pessimists. On one hand, some respondents thought that the situation will become even more serious after joining the EU due to the opening of borders inside the EU and the reduced supervision of people's movement. This will make trafficking in persons easier. The respondents anticipated an increase of trafficking in persons and thought that Estonia is very likely to become a transit country

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<sup>4</sup> Entry prohibitions are issued in the case of people who have committed an offence during their stay in a particular country.

between Russia and Western Europe. It was also noted that the incidence of enslavement might increase if preventive work is not carried out among people.

Some respondents were optimistic and found that joining the EU will have a positive effect on Estonia. The problem of trafficking in persons could diminish as co-operation between member countries on the preventing and fighting of trafficking in persons will increase.

#### *CITIZENSHIP AND MIGRATION BOARD*

The share of trafficking in persons into Estonia is expected to increase as a result of Estonia becoming a member of the European Union and opening of the borders. The source of such trafficking was believed to be the poorer countries of Eastern Europe (Ukraine, Byelorussia, Moldova, Armenia, Azerbaijan, etc.). Estonia is expected to be used as a transit country along the way to the Nordic countries. The free movement of labour would probably also result in an increase in Estonians going to work in the West. However, many of the people going to work in other countries are not aware of the rights they have abroad and they are likely to become an easy prey for traffickers in persons.

In addition to the above, the findings revealed that Estonia might be used as a recovery country by women who get tired of “work,” as the slower pace of life allows them to heal and to rest here.

#### *NON-PROFIT ASSOCIATIONS*

Representatives of this sector uniformly thought that upon accession to the European Union the opening of the borders would make trafficking in persons easier, causing the situation to become more serious.

### **6. The Nordic and the Baltic countries’ joint campaign against trafficking in women**

In 2002-2003 the Nordic and Baltic countries organised a joint campaign against trafficking in women. The Nordic Council of Ministers funded the campaign. It was an informational project designed to explain the reasons, the results, and the possibilities for preventing trafficking in persons through lectures, training programmes, and research. It was directed at a wider audience and different target groups. In order to study the results of the Nordic and Baltic joint campaign, the experts in the present study were asked whether they noticed or

participated in the informational campaign and how would they evaluate the results of the campaign.

### *POLICE*

Most of the respondents had noticed the campaign and its impact was considered relatively strong, mostly as an initiator of discussion and a method for raising the level of awareness. The campaign brought the topic of trafficking in persons to the governmental level and opened the possibilities for a dialogue about the problem.

It is necessary to organise similar campaigns in the future also as the issue requires further development and initiation. The campaigns would help people to understand that such a problem exists and to contribute to the development of discussion. The role of the campaigns is very important mostly from the position of preventive work. For example, through the campaign it is probably easier to inform people how they can inspect the background of an agency when they contemplate going to work abroad and to make their trip as safe as possible for themselves.

### *BORDER GUARD*

Although the Border Guard had heard about the Nordic and Baltic countries' joint campaign, they did not have any detailed information about it, neither were they able to evaluate its results or impact. The necessity of such campaigns in the future is clear and the preventive and informational work should begin already in school. At the same time, the information should be distributed also to homes. In view of the above, it needs to be noted that, for example, information about traffic regulations (where and how to cross a street, etc.) is taught to children at an early age, but they are told much less about the possible consequences of naïve trust in strangers, or what could happen if a child goes along with a person he or she does not know (such threats are mostly taught as "don't accept candy from a strange uncle"). It should be noted, of course, that gains made by prevention and information campaigns could be seriously set back by economic instability that encourages youth to seek luck in the West.

### *PROSECUTOR'S OFFICE AND THE COURTS*

All respondents had noticed the campaign of the Nordic and Baltic countries. Generally, the campaign was considered as being quite intensive, attention catching, and a serious venture.

Still, there was doubt whether it was noticeable enough for its target groups. It was noted that maybe more attention should have been paid to the Russian speaking population, which has more people falling into the risk groups.

While analysing the impact of the campaign, the respondents emphasised that it can be successful only if a serious and continuous effort is put into the fight against social problems related to the trafficking in women is carried out simultaneously. At the same time, it was noted that in view of Estonia's small population, considerable victory would be won if as a result of the campaign even a single girl reads the contract that she would have to sign with the agency, or does not go to "work" abroad when she begins to have doubts about the nature of the offered job.

Mostly, a positive answer was given to the question of whether such information and prevention campaigns should be repeated in the future. Every day there are new young people who are unaware of the problems or who do not read newspapers. Such youngsters get their information from either their friends or the mass media. This is why the problems of trafficking in persons should definitely be discussed continuously. The methods of such trafficking should be disclosed in such a manner that risk groups would become aware of the phenomenon and the threats it entails. It was noted that the best option in the given situation would probably be to begin with information and prevention campaigns, as trafficking in persons has deep roots in Estonian society. At the same time, the respondents expressed their regret that the Nordic and Baltic countries' joint campaign did not begin earlier when it could have been possible perhaps to prevent the problem more considerably.

### *SOCIAL WORK SECTOR*

The representatives of the social work sector had noticed the activities of the Nordic and Baltic countries' joint campaign that started in 2002 (for example, they had read/heard about it or seen articles/programmes about trafficking in persons), but they had not linked them directly with the campaign itself.

The respondents were largely unable to evaluate the impact of the campaign. It was noted that such campaigns are an example of work whose results will become evident only after a longer period of time. Evaluation of the impact of the campaign was probably more complicated for the experts due to the fact that the situation had not been mapped prior to the campaign, and thus there existed complete lack of knowledge about trafficking of persons.

The experts were convinced that campaigns similar to the one by the Nordic and Baltic countries are needed in the future. It was noted that the informative work should be carried out by different organisations simultaneously, making it possible to approach the problem in a comprehensive way and from more diverse perspectives. The respondents pointed out that the public should definitely be more informed about the fact that trafficking in persons is a social problem and its reasons are not rooted solely in the individual.

The information campaigns organised in the future should be addressed primarily to raising the level of awareness of potential risk groups (youth, people who desire to go to work in a foreign country).

The answers conveyed an understanding that when talking about trafficking in persons people mostly thought of the direction from Estonia to other countries, and thus those people who could be trafficked over the state border were generally considered “worthy” of information campaigns and preventive work.

The need to increase the level of awareness among people who create the demand for trafficking in persons was never raised. It could be said that the representatives of the social work sector currently see trafficking in persons primarily as a problem for the person who is being trafficked and that there are no connections drawn between supply and demand.

#### *CITIZENSHIP AND MIGRATION BOARD*

About half of the respondents had noticed or were aware of the campaign. It was believed that public awareness of trafficking in women had been increased by the campaign and the seriousness of the problem was appreciated. However, the campaign was probably too abstract for the target group, as the belief “it will not happen to me” is rather widespread. Although it is known that there are numerous swindlers among job providers, people quite blindly still trust the agencies offering jobs abroad.

The respondents did not have any doubts about the necessity of repeating such campaigns in the future as the level of awareness is relatively low due to the attitude that it won’t happen to me. The target populations of future campaigns should not be limited only to young people. The informative work should be carried out among teachers and parents as well, as a considerable amount of information that reaches youngsters comes directly from them. If the topic of trafficking in persons is left untouched by teachers at school, it is quite possible that the young person will simply not get the necessary information. Moreover, it is possible that a

young person does not notice the campaigns if he or she has no knowledge about the existence of trafficking in persons.

### *NON-PROFIT ASSOCIATIONS*

The representatives of non-profit associations had noticed the Nordic and Baltic countries' joint campaign, but its results and impact were considered modest. Assessment of the impact of the campaign is probably further complicated by the lack of points of reference about the situation before and after the campaign. Furthermore, it is rather hard to measure the exact impact of such a campaign, because there are no gauging instruments available.

Such informative and preventive campaigns should definitely be repeated in the future as well. The informative work is needed mostly by people who plan to go to work abroad due to the free visa regime. The fact that the activities of the traffickers have become more cunning in comparison to previous times (for example, there are no more masses of job ads offering utopian employment) should not be ignored. However, this means that it is essentially necessary to provide new information about the possible threats and the new methods that the traffickers use for luring people.

## **7. Trafficking in persons as a problem of the Estonian state**

### *POLICE*

The police experts expressed the opinion that the attention that state<sup>5</sup> has paid to the problem of trafficking in persons has been somewhat cold and insufficient. It is not a priority – a vivid proof of that statement is the fact that there is no governmental action plan, for example. The matter is somewhat covered by other activities (for example, Article 1.5 of the state strategy for crime prevention until the year 2005: better availability of victim assistance), but this is about all. It should also be admitted that until today, all of the activities have been financed by foreign countries (mostly the Nordic countries) – the Estonian state has not allocated its own resources to it. The fact that public awareness of the topic is still low (free will and free choices are still mentioned when prostitution is being discussed) is a result of the indifference at the state level. Currently it could be said that everything that has been done against trafficking in persons up to now is limited to the work of couple enthusiasts.

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<sup>5</sup> “The state” here means governmental institutions, politicians, and the *Riigikogu*.



The Interior Ministry sets the priorities for the police by defining the resources that the police can use in their activities. Today the police have no resources or people who would work with the topic of trafficking in persons exclusively. Still, the respondents maintained that it is probably only a matter of time before trafficking in persons becomes a topic of priority for the police.

### *BORDER GUARD*

According to the opinion of the Border Guard, no attention has been paid to the problem of trafficking in persons at the state level. According to the current legislation, investigation of slavery, intermediation of prostitution, etc., are the responsibilities of the police exclusively. To a certain extent, discussions have started about different social problems (poverty, unemployment of women, social inequality, etc.) that cause trafficking in persons and prostitution, but no one works with the elimination of the roots of the problem. A 50-60 years old Estonian woman would probably not enslave herself in Great Britain if she had a possibility to earn a living, sustain herself, and raise grandchildren in Estonia.

The Border Guard Act, the State Borders Act, and the Rules of Border Regime govern the work of the Border Guard in Estonia. The main objective is prevention of illegal border crossing (in other words, inspection of border crossing documentation, interviewing persons about the objective and circumstances of their travel). There is no statute or regulation that would require clarification of whether or not a person is a victim. The Border Guard interviews all persons who are sent back or deported from a foreign country. The Border Guard also has an obligation to make sure prior to allowing a person into Estonia that he or she has a legal basis for coming to, and spending time in, Estonia.

In practice, the Border Guard has encountered only isolated cases where it has become evident that a person, sent back or deported from a foreign country, has been involved in prostitution. Because the situation has not been mapped or thoroughly investigated, it is relatively unclear for the Border Guard how big of an issue trafficking in persons is.

### *PROSECUTOR'S OFFICE AND THE COURTS*

The question whether the topic of trafficking in persons has received sufficient amount of attention at the state level received quite disparate answers. Some respondents found that the

issue has attracted sufficient attention, some admitted that the amount of attention has been clearly insufficient, and some found that the attention has been limited. Thus, there was no consensus regarding this question.

As a point of clarification, it was noted that to date law enforcement authorities have been dealing with issues of intermediation of prostitution in the course of their every-day work. The prosecutor's office's area of activity is defined in a way that concentrates on liquidating the results by carrying out the preliminary investigation related to the person charged with a crime, and his or her prosecution and conviction. A priority for law enforcement authorities, no doubt, is crimes that have been committed against or by minors.

The opinions of prosecutors and judges about the existing legal measures (laws, regulations, etc.) were different also. Some believed that there are too few legal measures for dealing with the problem of trafficking in persons, which is why it is impossible to act as effectively as necessary.

Most of the respondents found that there are enough internal legal measures in Estonia and that they are good enough. There are enough legal grounds for handling crimes related to trafficking in persons and for convicting the persons who have committed the crimes. The question is rather when and how the existing measures are being used. For example, it was said that the places and persons involved with trafficking in persons are very well known to the police, but still nothing is being done about them.

The most severe problem, according to the prosecutors and judges, is instead related to victim assistance and a slow moving process of criminal proceedings that is not helpful for the victim. However, solving these problems is primarily the responsibility of the Police Board.

### *SOCIAL WORK SECTOR*

The experts of the social work sector agreed that there is little attention paid to the problem of trafficking in person at the state level. It is not an area of priority for the state and thus the state tends to avoid dealing with it. It was thought that as long as there are no official statistics about the number of victims of trafficking in persons and the extent of the problem, the topic will not become a priority for the state and it will not deserve activities that are more thorough.

The respondents were extremely critical of Estonian state authorities concerning the prevention of trafficking in persons. They shared a prevailing opinion that there is nothing done about the problem at the state level (or even if there is, there is no information available for preventive work). The respondents pointed out that the state's attitude is cold, and irresponsible – there is no clear understanding about who should be responsible for preventive work and there are deficiencies in organisation and continuity.

#### *CITIZENSHIP AND MIGRATION BOARD*

There is little attention paid to the problem of trafficking in persons at the state level. Neither is it a priority of the migration offices – the problem is not recognised, and there is little information available. It could be said that the problem is not dealt with in practice. Still, people participate in work groups that discuss the issues related to trafficking in persons (for example, issuing of residence permits for victims for the time of criminal proceedings, etc.). The Migration Board also gives its opinion about draft legislation related to the topic. At the same time, there is no ongoing, and well-defined activity at the level of migration institutions. There are not enough legal measures for dealing with the problem. The problem is not covered by regulations and directives; the regulation in legislation is not recognised. In this case, the reason is rooted in the fact that on the state level no unambiguous decision has been taken that recognises trafficking in persons is a problem. Moreover, tasks and responsibilities have not been distributed.

At present the Citizenship and Migration Board does not have any legal measures for fighting trafficking in persons (for example, every person has a right to a personal identification document. If someone else wishes to pay for this document and the receiver of the document agrees with it, then a migration institution has no way of interfering in the transaction). Thus, the activities against trafficking in persons are not effective. Because at the state level it is not defined who should deal with the problem and whose priority it should be, the Migration Board is not seeing it as its priority and is not really doing anything about the matter.

#### *NON-PROFIT ASSOCIATIONS*

The activities of the Estonian state were rated as being insufficient – quite clearly, it is not a topic of priority. Furthermore, there is almost no information available about the few activities that the Estonian state is involved in. Thus, it could be said that the non-profit

associations have no clear overview of the state's activities in preventing trafficking in persons.

## **8. Obstacles caused by the legislative background. Possible solutions**

### *POLICE*

Representatives of the police did not give a unanimous evaluation of the sufficiency or insufficiency of legal measures. The problem is more complicated than that. On one hand, there are laws for fighting trafficking in persons (for example, articles about slavery, and bringing persons into the country while depriving them of their personal liberty, etc.). On the other hand, there is virtually no means to enforce them. Another problem is the fact that trafficking in persons is not defined as a concept and, moreover, there is no special provision in the law for dealing with trafficking in persons.

The status of prostitution is not defined also. Current law only allows prosecuting the person procuring sexual services. Regrettably, there are currently no possibilities and means for influencing prostitutes to give up their pimps.

Representatives of the police admitted that at present it is possible to work with the existing legal measures (primarily the Penal Code), at the same time co-operation with other institutions is needed in order to achieve better results. The effectiveness of the work would probably be increased if it were possible to use the help of a professional psychologist while interacting with victims.

According to the police, the major problems can be identified as follows:

- the status of prostitution is not defined;
- penalties for procuring are too insignificant; currently the penalty for pimping or operating a brothel is limited to a fine or, in the best case, to closing down of the "hostel";
- only the procurer can be prosecuted. This requires evidence and if a person claims that she has been offering sexual services all by herself, there is virtually nothing that the police can do;
- too few police officers have been assigned to work on this matter. Only the Põhja Police Prefecture has four people in the department dealing with offences against persons, who work with the topic (mostly at the domestic level). In other police institutions there are only a limited number of officers who deal with the problem along with their other responsibilities.

What makes it difficult for the police to find evidence:

- prostitutes are often not interested in giving up their activity and, therefore, they do not testify;
- victims are afraid of revenge, thus they are not willing to co-operate;
- witnesses are very hard to reach – they do not stay in one place for long, they do not live at their home address, etc.;
- ensuring the safety of victims/witnesses is currently problematic – the safety of the victim or witness should be guaranteed for the duration of the proceedings and thereafter, in order for the victim to testify. Currently, this cannot be guaranteed;
- victims are afraid and ashamed of what they went through – they are afraid to talk about it openly to the police;
- people are afraid of society's disapproval – people close to them will learn about their activities, acquaintances will point their fingers, etc.;
- acquiring solid evidence is a very long and difficult process (for example, it could be impossible to get the correct testimony from the witness/victim at first and the second time, and the third time he or she may not show up altogether);
- The police have no specific training on how to deal with the cases.

The results would be definitely greater than they are at presently if the fight against trafficking in persons is defined as a priority for the police. Today the police are dealing with the subject in addition to their everyday work, which means that there is simply not enough time or energy for dealing with it. As more and more cases related to trafficking in persons are uncovered, the police must deal with the topic more and they must increase their awareness about it. As a result, the quality of the work will increase also. Presently there is no clear objective for the work and it is mostly based on the activity of a number of isolated enthusiasts. There is no wide interest in the topic. The situation is quite clearly caused by the priorities and the lack of a clear action plan.

Representatives of the police were not very convinced of the necessity of additional legal measures. It was noted that the existing ones should first be effectively implemented and specialists trained.

In the broader perspective, the state should first take a clear stand in the fight against trafficking in persons. A state action plan must be developed. In addition to that, the status of

prostitutes must be defined (either to prohibit or to allow prostitutes to be involved in the activity). Definitely, a witness protection law should be passed, ensuring the safety of victims, and the provision of restraining orders, for example, should also be discussed. Here the European Union might prove to be of great help as Estonia alone, being a small country, would not be able to ensure the safety of a victim. Furthermore, it would be necessary to define legislatively what are the means that could be used for gathering evidence and to what extent they could be used.

It could be stated that in the process of making the police work more effective, development of a state action plan is a necessary step. It would define the state's priorities in its fight against trafficking in persons as well as outline the activities, rights, and responsibility.

### *BORDER GUARD*

Border Guard has no function in the fight against trafficking in persons. To date, this work has been carried out at the people's own initiative. In cases of reasonable doubt, people involved in prostitution have been transferred to the custody of the police from the border inspection posts.

According to the Border Guard, legal measures for dealing with the problem are far from being adequate (for example, in case a procurer wishes to traffic Estonian citizens illegally across the state border, there are no necessary elements of a criminal offence related to trafficking in persons present in the procurer's actions, as, in accordance with the meaning of the law, the persons being transported must be citizens of another country).

Assistance to victims of trafficking might also become a serious problem. For example, the Border Guard had a case where a girl who worked in Finland as a prostitute needed a shelter in Estonia fast, as she did not have a home. She was being stalked. The situation was very difficult since the girl arrived in Estonia on a Friday night when, as a rule, all governmental offices are closed. For this reason, the Border Guard should be provided a contact line that they could call around the clock and ask for help in case a victim arrives at the state border.

The institutions that are responsible and competent enough to fight trafficking in persons should be defined at the state level. For example, law enforcement authorities that are under the jurisdiction of the Interior Ministry could probably deal with it in a sufficiently effective way. The function of information exchange between different ministries should also be defined.

Development of a state action plan would also ease the work of the Border Guard primarily through defining of tasks and responsibilities.

### *PROSECUTOR'S OFFICE AND THE COURTS*

The prosecutors and the judges who provided their answers in this research had encountered some cases of trafficking in persons in the course of their work. For example, the Prosecutor's Office encounters crimes involving both intermediation of prostitution and prostitution of minors. At the same time, the share of these offences is very insignificant compared to other crimes. The respondents pointed out that the number of prostitution related crimes brought to justice could actually be even bigger as the locations of brothels are generally quite well known to local police officers.

Moreover, the first cases involving enslavement are being dealt with by our courts (for example, Tallinn City Court is trying a case where a minor was brought from Latvia to Estonia against her free will. Her freedom was restricted for over a year and she was forced to work as a prostitute. A large group of people is being tried in this case – brothel keepers, providers of “the roof,” procurers, drivers, etc.).

It was added that the obstacles in work are not so much caused by legal regulations, but rather by the complexity and the big volume of criminal cases. The Prosecutor's Office and the courts encounter trafficking in persons when criminal proceedings have been initiated on the grass roots level by the police who has the authority to combat and uncover trafficking in persons. According to the Code of Criminal Procedure, effective as of July 1, 2004, the Prosecutor's Office is the institution responsible for pre-trial investigation and it leads the investigation. There are virtually no problems arising from the law. Problems arise with the police personnel whose ability to discover and investigate crimes related to trafficking in persons leaves a lot to be desired.

However, another critical issue was identified. Namely that there are problems in criminal proceedings pertaining to the protection of victims and witnesses as there is no witness protection programme in Estonia. The latter is due to the fact that implementation of a witness protection programme is very costly. Considering the small size of Estonia, it is also questionable whether such a programme would function here. Regarding major criminal cases

resources and help from other countries have been used so far. However, protection of witnesses is definitely an area that needs serious consideration in Estonia.

Although awareness of the victims' human rights is adequate, according to the prosecutors and judges, the legal framework nevertheless fails to provide enough possibilities for ensuring the security of a victim/witness.

Today it is possible to define the victims and witnesses who are being threatened as anonymous witnesses who are not required to be physically present in the courtroom. At the same time it is a complicated situation, because in some cases the person who has committed the crime is able to identify the witness from the testimonies given during the course of the criminal proceeding. There is also the possibility of declaring the court session closed. At the same time, the fact that current procedures do not regard victims of crime as victims but rather as witnesses (in case they are adults) is rather problematic.

Furthermore, prosecutors and judges emphasised that the preparing of crime victims for the court session is a problematic issue as well. It is an activity for which support persons and the social services should be responsible. Unfortunately, in the current situation the victim is interrogated repeatedly during the course of the pre-trial investigation and then he or she is questioned during the court session again, causing the victim additional stress in most cases. Prosecutors and judges pointed out that the practical experience related to protection and advising of victims in other countries should be taken as an example.

The prosecutors/judges held the same position that a state action plan would ease the work of the Prosecutor's Office and the courts in a sense that the problem, the ways of dealing with it, and the responsibility would be mapped.

### **SOCIAL WORK SECTOR**

It became evident from the information gathered by the experts that some of the social workers have not encountered any cases of trafficking in persons in their practice. For this reason, their opinions about possible obstacles in this work remain *a priori*.

Insufficient legislation was mentioned as the first source of problems that prevent social workers sector from being more efficient in their work against trafficking in persons. As trafficking in persons is a criminal offence, the workers of the social sector share the opinion



that solving the problem should start with legislation and the structures that implement the law. Among other issues, laws that protect the rights of women should be improved.

The fact that there are no governmental agencies that help the victims of trafficking was mentioned as the second important obstacle. For example, social workers are not able to provide the victims with primary help by referring them to a safe place, a shelter or medical care, or giving them food, etc.

Estonia's court system was criticised. According to the social workers, it is not possible to identify a victim of trafficking if it is an internal case. Prostitution that occurs inside the country is often not classified as trafficking in persons and the judicial system fails to identify victims of domestic trafficking as victims. The situation is probably further reinforced by the mass media, which often takes a negative approach towards the victims of domestic trafficking in persons and blames the victims for their misfortune.

Another serious problem is finding the procurers and the perpetrators, as the victims are scared and afraid of revenge. It can be assumed that the victims have no desire to testify, because the police have acknowledged that they lack sufficient means for ensuring the protection of witnesses.

Due to the lack of governmental support systems, the social workers who (might) encounter victims of trafficking in persons in their work, have limited possibilities for action also. At present the social workers' possibilities for preventing trafficking in persons are mostly limited to preventive work – telling them of their rights and giving information about precautionary measures.

Mistreated children are a small exception. Social workers co-operate with the police whenever they detect such cases and they protect the victims while counselling and encouraging them to give up prostitution. They are given the possibility to get help and support in order to eliminate the need for earning additional income. In the cases of minors detained for prostitution in a foreign country, social workers attempt to locate the parents and/or caretakers of the children in Estonia, and to arrange for their return and their further care in their home country.

Moreover, the fact that at present many suggestions will never be implemented into action received critical mentioning. It was noted that too much time and energy is spent on theoretical discussions that are not followed by practical action.

It could be said that a considerable share of the representatives of the social work sector currently lacks the experience to work with victims of trafficking in persons and people close to them. In dealing with the victims, effective work is also prevented by the lack of state support and help, and the presence of a complicated bureaucracy. Social workers also admitted that work against trafficking in persons is being done along with other issues, without any special attention given to it due to a great workload and insufficient knowledge. Understandably, in this case the problem is not rooted in a careless attitude of social workers, but rather in a lack of clarity at the state level about which functions should be carried out and which responsibilities are to be taken by different institutions.

Estonian social workers were quite well informed about social work related to trafficking in persons in other countries. They admitted that there are definitely aspects that could/should be implemented in Estonia also. However, the first step in creating effective practices is acceptance of a clear position by the state, stating that trafficking in persons is a serious problem and that fighting against it requires adoption of specific measures.

In discussions about the practices used in foreign countries, co-operation between social workers and the police was mentioned. For example France and England have a comprehensive database of violent people and their victims and the co-operation between the police, and social workers demonstrates clear results in dealing with the issue. Similarly, the Estonian police force should also include social workers who would be able to work with the victims according to various assistance programmes based on an individual approach.

It was also admitted that unlike the other countries social workers in Estonia lack any possibilities for offering help to the victims. It is also rather difficult to maintain confidentiality of the person being trafficked as s/he is often wanted by criminal elements.

The respondents pointed out that the countries with a working system of activities against trafficking in persons should be definitely used as an example.

The social workers gave a positive answer to the question of whether the development of a state action plan for dealing with problems of trafficking in persons would simplify social workers' work. The action plan should define the limits of the duties and responsibilities of different institutions and put an end to a situation where no institution knows which activities it should implement and for what is it responsible.

### *CITIZENSHIP AND MIGRATION BOARD*

From one perspective, effective work is being held back by an overly liberal approach towards a person and his or her wishes. From another perspective, the fact that a case of trafficking is very difficult to prove is a problem as well. As the process is time consuming and demanding of significant resources, persons dealing with it tend to re-qualify the enslavement article and to apply any other provision that has also been breached. Moreover, since we lack practice in the application of the enslavement article, it cannot be made more usable on practical grounds and that also constitutes a considerable drawback.

It must be defined at the state level which institution assumes the leading role in solving the problem. It should also be defined what are the roles of other institutions. Thus, development of a state action plan that would clearly define the tasks and responsibilities is necessary. There must definitely be a possibility to revise the state action plan during the course of practical work. Representatives of the Citizenship and Migration Board were convinced that in reality we are not able to block the problem without a state level action plan. In addition to the action plan, control mechanisms should be defined and these should be used to check the background of the agencies that offer work.

Among the positive aspects of the work that is currently being done, the possibility of replacing lost or stolen documents from a consular office or the Citizenship and Migration Board via postal service was mentioned. Of course, the question remains how aware of this possibility are the people faced with such an accident. There could be a leaflet with information about how to replace the documents by post in a foreign country, for example. Participation in work groups that discuss problems related to trafficking in persons and give recommendations was also mentioned as a positive example. Unfortunately, the results of these work groups' deliberations remain on a theoretical level thus far – it is recognised that the problem exists and that it needs attention – and only a few specific steps are taken.

Employees at the Citizenship and Migration Board have not encountered victims of trafficking in persons in their practice. In their judgement their knowledge about the human rights of the victims is inadequate and they lack experience and skills for ensuring the safety of the victims. In reality, another way to increase safety for the victims would be by allowing free and quick replacement of the lost or stolen documents so that they could take cover faster.

### *NON-PROFIT ASSOCIATIONS*

Currently there are no non-profit associations or NGOs in Estonia that work purely in the field of trafficking in persons. Neither are there non-profit organisations dedicated to assisting the victims of trafficking in persons. The activities of non-profit associations can be divided generally into three categories:

- organisation of training programmes and seminars about trafficking in persons and topics related to it (for example, human rights, social inequality, etc.);
- rendering of shelter and crisis assistance services (not exclusively to the victims of trafficking in persons);
- providing psychological help and counselling

It is advantageous that non-profit associations or NGOs have the desire to participate in the prevention of trafficking in persons. The disadvantages definitely include unstable financing and project-based work, which weakens the planning of activities and sustainability. In addition, (more) effective work by non-profit associations is being held back by the lack of special training necessary for the representatives of non-profit associations in the field of trafficking in persons.

### Financial issues

Additionally, the activities of non-profit associations depend largely on external sources of financing. As far as trafficking in persons is concerned, the activities are primarily supported by the funds/programmes of the countries that have recognised the seriousness of the problem and defined the fight against it as a state priority. As trafficking with natives of Estonia is principally a problem for the Estonian state, the government should find resources for the

respective activities of non-profit associations. Unfortunately, presently it seems that if an Estonian becomes a victim of trafficking in persons, it is primarily the concern of other countries.

Creation of a governmental action plan for fighting against trafficking in persons would probably also simplify the work of non-profit associations. The role of non-profit organisations or NGOs in this work could be clearly defined with the action plan. Also, sustainability of the work of non-profit associations would increase if trafficking in persons would become a priority for the state.

## **9. Co-operation and communication**

### *POLICE*

To date representatives of the police do not consider the co-operation and exchange of information with different institutions very efficient. Although there is some exchange of information (especially between such organisations where the employees know each other), the lack of communication is still a problem that brings about duplication of each other's work. Much less information moves along official channels than within personal relationships.

Although there exists the mechanism to use thematic seminars and discussion sessions for bringing together people who work in the same field, there is often not enough time to create new contacts. A solid and sufficient network of co-operation has not yet been formed.

In the scale of one to five<sup>6</sup>, co-operation between different organisations was evaluated differently. The reason can be found probably again in the fact that co-operation is mostly based on personal contacts, which is why some police workers claimed that there is good co-operation with non-profit associations and representatives of foreign countries, while others said that co-operation works well with Border Guard and other legal agencies, for example.

There were critical remarks made about the migration offices (the police seems to have the opinion that the latter lack the wish to co-operate), the Prosecutor's Office, and the Ministry of Foreign Affairs.

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<sup>6</sup> The structure of the questionnaire is described in chapter 3 "Methods of analysis." With regards to this question, the experts were asked to evaluate the efficiency of the co-operation as follows: (5 – very good, 4 – good, 3 – satisfactory, 2 – non-satisfactory, 1 – no co-operation).

The communication problems would be solved if trafficking in persons would be defined as a priority for the police. It is also necessary to set stricter standards for the exchange of information and these standards should be followed. Creation of personal contacts between officials working in the same field should also be encouraged (in seminars and information sessions, for example).

Organising problem solving training courses for workers in different organisations and governmental institutions would also be a good step (a theoretical problem situation is drawn in the training environment and the participants attempt to solve it).

On the question of co-operation and exchange of information, most of the police workers thought that most important is interaction on a personal level as problems can be solved more efficiently and quickly when personal relationships are used instead of the official channels.

### *BORDER GUARD*

Border Guard rated co-operation between different institutions as relatively poor. Although none of the institutions has directly refused to co-operate or provide information, the organisations do not recognise the need for more efficient co-operation since trafficking is currently not a topic of priority.

To date, the Border Guard has had the greatest amount of contacts with police institutions and the officials of the representative offices of foreign countries.

In order to make co-operation more efficient, it is very important to develop a process of information exchange by creating a scheme for transmitting the information among different institutions. Joint operations between the Border Guard and the police, for example, should also be developed and organised.

### *PROSECUTOR'S OFFICE AND THE COURTS*

The level of co-operation between different institutions was considered rather good. As a positive aspect, it was mentioned that in cases of criminal proceedings there is sufficient exchange of information between the investigators, the police, and foreign countries.

Still, some aspects should be improved. For example, it was brought out that the judiciary and the Prosecutor's Office are not sufficiently informed about the activities of several organisations. This is caused not only by the courts' and the Prosecutor's Office's inability to gather information, but also because numerous organisations have not been active enough in spreading information about their activities. In order to make co-operation and exchange of

information more efficient, discussion sessions should be organised with the participation of respective specialists for the development of personal contacts. Seminars should also be organised and information should be transmitted via contact persons.

Co-operation with police institutions and other organisations for legal protection was claimed to be the most fruitful of all. Co-operation with other organisations that are involved with the subject (co-operation with Border Guard was currently claimed to be rather complicated, for example) should be definitely developed within the limits of specific needs (considering the specific role of the judiciary and the Prosecutor's Office). The respondents also admitted that no regulation would force officials and specialists to co-operate if there are no previous positive personal encounters with the representatives in the field. Thus, it appeared also from the answers of the judges and prosecutors that there is a need for contact persons who would be interested in co-operation.

### *SOCIAL WORK SECTOR*

All social workers who participated in the research gave a negative answer to the question whether co-operation among different institutions is sufficient for allowing the social work sector to function effectively. Based on these statements, it can be concluded that co-operation does not work. On one hand, co-operation is held back by the limitations imposed by the Data Protection Act. On the other hand, the problem is on a personal level – there is no wish or ability to co-operate and sometimes there are indifferent attitudes towards the matter. As the state has not taken a position on trafficking in persons and whether it is a problem for Estonia, there is no functioning network that would connect different offices/institutions. Activities are of a random nature, communication is not effective, and representatives of different offices do not know what others are doing.

The situation can be improved with continuous training programmes and joint seminars for the representatives of different areas. The state should clearly identify the tasks for different institutions and provide these institutions with understandable information about the objectives. A functional network should be created among persons who are willing and capable of co-operation. As the current situation does not often allow workers to begin co-operation with other institutions on their own initiative, co-operation on personal level should be preceded by co-operation agreements between different organisations. The key to co-operation is still in specific persons working in different organisations – these individuals

should exchange information and provide feedback to each other. This would increase the trust that different parties have in each other, the ability to receive immediate information, and the capability to act quickly.

According to social workers, they currently have the best co-operation with different non-profit associations (for example, the Victim Support Society 'Ohvriabi', Tallinn Children's Support Centre, Estonian Society for Rehabilitation of Addicts, etc.), the victims and/or the people close to them, the police and legal protection organisations. Co-operation with Border Guard, representative offices of foreign countries, and the migration offices was said to be in need of a significant improvement. Social workers claimed that co-operation with governmental offices is currently most complicated, which is probably due to the fact that the tasks and responsibilities of different institutions are not defined.

#### *CITIZENSHIP AND MIGRATION BOARD*

Co-operation with different institutions was rated as insufficient. Generally, there is no exchange of information. It was acknowledged that as long as Estonia lacks a governmental action plan that would define the duties and responsibilities, it is impossible to talk about any co-operation. Without the action plan co-operation, if any, will remain at an individual level. In migration offices, there are no practical activities related to trafficking in persons, nor is there information available about the victims. Also, no other organisations (the police, Border Guard, etc.) have requested information for solving a case that has been detected or is under investigation.

#### *NON-PROFIT ASSOCIATIONS*

Exchange of information between different institutions involved in the field is problematic. In most cases, non-profit associations get information only when they submit an official request. Unfortunately, there is no free exchange of information except in cases where there are personal acquaintances working in different institutions. Exchange of information should be well defined and should operate on a continuous basis in order to improve communications. It is also necessary for involved institutions to get access to databases.

Co-operation with other non-profit associations received a relatively good rating. Co-operation with the victims of trafficking in persons and the people close to them (it is largely



dependant on a particular non-profit association), police offices and other legal protection organisations was also rated as satisfactory. Co-operation with representative offices of foreign countries, Border Guard and migration offices is currently rated as unsatisfactory by the representatives of non-profit organisations.

One of the reasons for the lack or insufficiency of co-operation is probably the fact that prevention of trafficking in persons is not a state priority, which is why the governmental organisations are not very active in this area. Another reason is the fact that action plans and duties are also not defined due to the reasons mentioned above.

## **10. How the social work sector and non-profit associations evaluate rehabilitation**

Representatives of social work have had only slight experiences with victims of trafficking in persons and/or people close to them in their activities. For this reason, their practical experience is limited. More often, they hear about victims from the providers of social services to whom victims have turned for help. However, in the current situation the victims and/or people close to them often do not have enough information about where they should turn for help, which is why most of the victims probably attempt to manage on their own. At the same time it should be admitted that the problem could not lie so much in the victims' insufficient readiness for seeking help, but rather in the lack of rehabilitation programmes for the victims of trafficking in persons.

In order to work effectively, a social worker should know where to relocate the victim (for example, a safe house), provide the victim with food and medical assistance, make sure that the victim gets legal help and a support person, if necessary. Unfortunately, it has to be admitted that such possibilities are mostly not available now. Another problem lies in the fact that social workers are mostly subordinated to the local municipalities while most of the victims of trafficking in persons originate from outside, which is why they do not qualify for social services available at local municipalities.

In order to improve the possibilities for assisting the victims of trafficking in persons, it is necessary to co-operate in both the levels of local institutions (governmental institutions, and non-profit associations) and international organisations for creating a functional social network.

The possibilities that non-profit associations have today for assisting victims of trafficking in persons are small. For example, it is impossible to provide the victims with basic help, as there is no one to pay for it (there are no resources for it in the social sphere). In order to improve the possibilities for providing assistance, a state policy should be created and implemented together with the creation of possibilities to help.

#### The state's role in rehabilitation

The social workers were unable to evaluate governmental initiatives for the rehabilitation of victims, as they did not have information about it. At the same time, the respondents emphasised that the state should have a very significant role in the area of rehabilitation. The first duty for the state should be the creation of a governmental action plan, assignment of parties responsible for its implementation, and the allocation of necessary financial resources. Implementation of the governmental action plan should happen in co-operation with the non-profit associations or the third sector (for example, Estonia could have about four rehabilitation centres that would work in co-operation with local municipalities). It was also deemed important that the state should have the responsibility to report what activities have been completed and what are still being carried out (to whom the government should report).

#### Attitudes towards victims of trafficking in persons

According to social workers, society has very diverse attitudes towards victims of trafficking in persons and they depend largely on the age of a particular victim. Compassion is often expressed if the victim is a child, but in case the victim happens to be an adult the attitude is often one of indifference or even condemnation. It is often thought that the victim is to blame and it is not seen that there might be a serious offence or organised crime behind the event.

According to non-profit associations, the government should co-ordinate and support rehabilitation. A situation where the only possibility to assist a native Estonian is limited to the activities of non-profit associations and the financial resources are given by foreign funds cannot be considered normal.

## **11. Training**

### *POLICE*

According to police officers, training is definitely needed. Although there are people on the police force who have experience and skills in the field, it is not a priority and therefore it has

not been determined to be necessary for work. Nevertheless there are a few people in the police force who have sufficient skills for preventing trafficking in persons. They have acquired their skills on their own initiative. Trafficking in persons is not in the Police Academy's curriculum. If different training programmes are organised for more efficient investigation and detection of other types of crimes, the same should also be done in the case of trafficking in persons.

Emphasis should be placed more on practical knowledge. For example, it would be interesting to have training sessions where specialists from other countries share their experiences about the effective methods they have used for investigation and proceedings. Training courses about victim assistance and recognition of victims are also definitely necessary.

Representatives of the police see the following persons as the trainers:

- Estonian police officers who are involved in the given sphere;
- Prosecutors who can give an overview of legal possibilities;
- Representatives of non-profit associations who can give practical guidelines for interacting with the victims;
- Foreign specialists (from different fields) who have practical experience and could point out the weaknesses.

The respondents were specifically interested in the Swedish police as a trainer who could provide information about the implementation of the law criminalising the purchase of sexual services and the methods for supervision of same.

In conclusion it can be said that police officers feel a strong need for mostly practical training that would help them to detect and investigate cases more efficiently.

### ***BORDER GUARD***

The level of knowledge, and skills that the officers of Border Guard have cannot be currently rated as sufficient. Training courses are definitely necessary. Best results could be probably gained from training Border Guard officers in a foreign country where trafficking in persons is a recognised problem and is being fought seriously. The emphasis of the training courses should be definitely on practical aspects and the measures that Border Guard officers could effectively use in their daily work.

The trainers could be professional Border Guard officers, prosecutors, and judges.

### *PROSECUTOR'S OFFICE AND THE COURTS*

The respondents agreed on the necessity of training about trafficking in persons. It was acknowledged that although a few prosecutors have participated in seminars about trafficking in persons and have been in training trips abroad, training is necessary for all judges and prosecutors.

The respondents pointed out specific areas in which training is necessary:

- how to collect and present evidence of different crime types;
- how to treat, interact with, and interrogate victims (especially minors) so that they could be as much help as possible both as a source of information and in the process of trying the indicted parties;
- training about international agreements and conventions;
- training about the directions of cross-border trafficking in persons;
- training about problems in Europe;
- what laws do the other countries have on trafficking in persons;
- what are the judicial decisions, applied measures, etc. in other countries.

Trainers should be people who have also practical experience in addition to theoretical knowledge (for example, people who have taken a case to court and possess experience about building a case that leads to conviction, what problems arise during a legislative process, and how a prosecutor/judge has solved these problems in practice).

### *SOCIAL WORK SECTOR*

The level of knowledge and skills that the social workers have about trafficking in persons were rated as being relatively poor, which is why their work is not as effective as it could be. Both general training about trafficking in humans (general information about the reasons and results, why is the topic important and actual) and specific information about the rights of the victim, and possibilities and principles of assistance (how to interact with the victim, how to counsel) are needed. Social workers also need information about the practices, methods, and procedures that other countries have in the area of combating trafficking in persons (for example, how to interact with the media, etc.). The social workers also considered their knowledge about legal framework and rights as insufficient. Attention should definitely be

paid to the demand and the role of organised crime so that people would see also other sides of trafficking in persons except the victim.

The social workers should see people who master the topic and are involved with it in a practical level as trainers. It is definitely necessary that the trainers would be involved in different areas (for example the level of non-profit associations, the state, etc.). Also, training sessions where foreign specialists distribute their knowledge and experiences should be organised.

### *CITIZENSHIP AND MIGRATION BOARD*

Knowledge and skills of migration officers are, according to their own judgement, currently insufficient, since there have been no training sessions about the issues of trafficking in persons thus far. At the same time the knowledge about trafficking in persons has so far not been needed in their work. Still, training is definitely necessary. It should primarily have a practical orientation:

- how to detect the cases of trafficking in persons;
- how to build up the proceeding;
- how to protect the victim, etc.

the trainers could be for example people from the police, and migration offices, i.e., personnel that encounter the problem in their every-day work. The gain is probably the greatest if the instructors would originate from neighbouring countries (for example, Finland, Lithuania, etc.), where the problem is actual as well and real actions are taken to prevent it.

### *NON-PROFIT ASSOCIATIONS*

Training about trafficking in persons would be extremely necessary for the workers of non-profit associations, as the level of existing knowledge and skills cannot be considered sufficient. In order to make work more efficient, it is necessary to organise training sessions that would cover different aspects:

- knowledge related to laws (Estonian laws, laws in foreign countries, international conventions, etc.);
- knowledge of the social sphere and practical experience from other countries;
- information and knowledge from other institutions

the representatives of non-profit associations stressed the need for training courses that would offer primarily practical knowledge/experience. To date emphasis of training sessions has been mostly on theoretical know-how.

## **12. Conclusion**

Based on the information collected by the experts in different areas, it is possible to compile a general list of steps that are necessary for combating trafficking in persons in Estonia at the state and non- governmental levels.

- 1. Clear expression of political will** (a clear message from governmental organisations and politicians that trafficking in persons, including domestic prostitution, is a problem that needs to be addressed in Estonia).
- 2. Creation and approval of a governmental action plan** (clear definition of duties, actions, and responsibilities).
- 3. More effective implementation of existing laws and additional legislation** (a witness protection law was mentioned as being necessary, etc.).
- 4. Victim oriented approach** (for example, in cases of criminal proceeding, victim assistance, and victim protection).
- 5. Development of co-operation** (information exchange and increase of joint activities. For example, creation of schemes for transferring information, if necessary).
- 6. Training** (skills, information, supplementary training).

### ***DEFINITION***

During the course of research, the lack of a unanimous definition or understanding of trafficking in persons was clearly identified. A lack of a common definition did not become evident only among different institutions, but also within a single organisation (for example, some social workers identified domestic prostitution as part of trafficking in persons, while others thought that domestic prostitution mostly involves the participants' free will and not trafficking in persons).

It was surprising that most of the experts did not have a broader definition of trafficking in persons than prostitution and trafficking committed with the objective of sexual exploitation. Few other types of trafficking in persons (mostly slavery) were mentioned by the Citizenship and Migration Board and the social workers experts. Quite a clear differentiation was also

made with regard to gender – the persons being trafficked were mostly considered to be women and children, and the persons trafficking and exploiting were in most cases seen as a representative of the male gender.

The vague definition of trafficking in persons probably also produced a variety of opinions about what type of trafficking in persons should be considered the most widespread and significant. The respondents whose definition of trafficking in persons included domestic prostitution and who did not consider the use of physical or mental violence or crossing of state borders as necessary elements of the definition said that trafficking in persons inside the borders of the country should be considered as the most critical. However, the respondents who classified crossing of state borders and/or the use of violence as necessary elements of trafficking in persons found that trafficking that is directed out of Estonia is most significant. This definition was also the basis for the Border Guard officer's statement that there is currently no particular reason to talk about trafficking in persons in Estonia, as there have been only a few such cases according to statistics.

Also directly contradictory opinions emerged, expressing clearly that definition of trafficking in persons is very vague. For example, it was possible that information gathered by the experts in different areas revealed that the most important kind of trafficking in persons is the one that happens within the state borders. At the same time it was later agreed that domestic prostitution should not be classified as trafficking in persons<sup>7</sup>.

It can be said that there is no unanimous understanding of the nature of trafficking in persons or its directions/types either among different institutions or within a single organisation. It is a disturbing tendency that gives a clear warning that on the national level there is no clear understanding of the nature of trafficking in persons.

### *POLITICAL WILL*

Experts in the different areas agreed that the amount of attention paid to the problems of trafficking in persons at the state level and the fight against these problems are inadequate. The respondents pointed out that problems concerned with trafficking in persons are not a priority for the state and as a consequence there are no resources allocated for dealing with the

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<sup>7</sup> See table on page 43

issue. Currently, only so-called self-starters are involved in the fight against trafficking in persons and doing it on the side of their every-day work.

It was quite cynically assumed that trafficking in persons will not become a priority until the politicians understood that it costs the country in the form of lost young women from the labour force, future mothers, and people in general. Presently the attitude seems to be that a prostitute earns a great amount of money and his/her income should be taxed.

The most critical remarks were directed at the state for the indifference in dealing with the problem and their priorities. Such approach has forced different governmental institutions into rather unpleasant situations. On one hand, initiatives related to combating trafficking in persons are expected from them, while in the other hand, the roles and tasks of different institutions/organisations are not defined on the state level. The result is a situation where one institution does not know what the other is doing, if it is doing anything at all.

Experts in all areas stressed the importance of adopting a governmental action plan. As the first step, the action plan should give a unanimous and clear definition of trafficking in persons and define the tasks and responsibilities of different institutions.

### *LEGAL FRAMEWORK*

Evaluation of the legal framework again revealed a lack of unanimous opinion and understanding among different institutions and within a single organisation. The information gathered by the experts revealed that legal measures are sufficient and that there is no need to create additional measures. But it also showed an understanding that existing measures are not sufficient and they do not allow effective actions.

At the same time, the experts acknowledged that often the problem does not lie in the lack of measures, but rather in the weakness in implementing the existing ones. For example, there are statutes about slavery, transporting persons into the country while violating their personal rights, etc., but skills or capability needed for implementation are insufficient. Consequently, the existing legal measures do not function as effectively as they should and are not sufficient for effective work.



It needs to be admitted unfortunately that a significant share of laws and conventions are rather declarative than practical. The Palermo Protocol, which was ratified relatively recently, is one example where Estonia has given promises that it cannot keep.

Direct obstacles for effective work can be definitely found in the legislative area. The absence of a witness protection law was repeatedly pointed out. Quite clearly, it complicates the proceeding of cases and makes the legal proceedings slower from the perspective of victims.

### *LEVEL OF PEOPLE*

Based on the opinions and experience of the experts, it can be claimed that the co-operation in the prevention of and combating trafficking in persons is currently based on personal relationships. Information is being asked from, and joint activities are being planned with, the people that are known from previous events. Here the problem lies in the fact that there are relatively few people who belong to the group described above, which is why co-operation is more limited than desirable.

On the other hand, co-operation is being arrested by the fact that not all state officials and/or workers of non-governmental organisations are interested in working together. On the state level the indifferent attitude by the officials is probably caused by the fact that trafficking in persons is not seen as a serious social and criminal problem, i.e., the problem is not being recognised and thus it is thought that it does not concern Estonia. There is a tendency to apply “free will” labels to prostitution (both, domestic, and international) as if it would change the nature of the phenomenon and diminish its seriousness.

Another serious problem is the extremely limited exchange of information which could be causing a duplication of activities. For example, there have been incidents where one institution spends a great amount of time and resources on acquiring a particular piece of information and later it becomes evident that another institution already had this information, but did not wish to share it.

In general, it can be concluded that the absence of a clear position on the state level, which would define trafficking in persons as a problem in Estonia that should be addressed immediately, is also a major reason for the lack of co-operation on the personal level. Duties

and responsibilities are not distributed among the institutions and functional structures have not yet been formed.

The following table contains a short overview of the opinions that the representatives of different institutions have about the possibilities of blocking trafficking in persons and the problems related to it.

	<b>Police</b>	<b>Border Guard</b>	<b>Pr. Office and courts<sup>8</sup></b>	<b>Social Work</b>	<b>C, and M Board</b>	<b>Non-profit Associations</b>
<b>Seriousness of the problem</b>	Rather serious	Rather not serious <sup>9</sup>	From moderate to very serious	Rather very serious	Serious	Rather moderate
<b>The most problematic direction of trafficking in persons*</b>	Domestic, and out of the country	Domestic <sup>10</sup>	Domestic, and out of the country	Out of the country	Out of the country, and domestic	Domestic, and out of the country
<b>Is domestic prostitution classified as trafficking in persons?</b>	Yes	Rather no	Rather no	Yes/no	Rather no	Yes
<b>Will being in the EU increase trafficking in persons?</b>	Rather no	Rather no	Yes (out of the country, and transit)	Yes/no	Rather yes (into the country)	Yes
<b>The Estonian state's attention to trafficking in persons</b>	Insufficient, indifferent	Absent totally	From sufficient to absent totally	Little	Very little	Insufficient
<b>Rating the legislative measures for effective work</b>	Measures exist, implementation weak	Not sufficient	Measures mostly sufficient, except for what concerns the security of the victim	Not sufficient	Not sufficient, C, and M Board is not really able to operate	Not sufficient

<sup>8</sup> Clarification of the abbreviations: Pr. Office and courts – the Prosecutor's Office and the courts; C, and M Board – Citizenship and Migration Board

<sup>9</sup> The respondent stressed that the opinion is based on understanding that trafficking in persons, and prostitution are different phenomena

\* The directions of trafficking in persons are mentioned in the order of their importance.

<sup>10</sup> The respondent stressed that if prostitution is classified as trafficking in persons, Estonian domestic prostitution is the most important.

<b><i>The main problems in preventing trafficking in persons</i></b>	Absence of clarity <sup>11</sup> lack of resources, impossible to ensure the safety of witnesses, collection of evidence is slow, and complicated	Absence of clarity, do not know what to do with the victim	Slow legislative proceeding, weakness of pre-trial investigation, absence of witness protection, the victims are not prepared for trials	Legal framework/background is insufficient, trafficking in persons, and prostitution are not linked by people, complete absence of a victim assistance system	Cases of trafficking are very difficult to prove, lack of work experience, ensuring the safety of victims is very problematic	Insecure financing, lack of training, lack of security, providing victims with unavoidable assistance is very complicated, as no one pays for it
<b><i>Necessary steps for solving problems</i></b>	Clear stand at the state level, passing the witness protection law, special clause of trafficking in persons into the Penal Code, possibility to implement restraining order	Clear stand at the state level, existence of a 24 hour contact line	Making the witness protection more efficient, support, and counselling of the victims	Improvement of legislation, creation, and implementation of the system of victim assistance, linking of trafficking in persons, and prostitution	Creation of control mechanisms for inspecting recruitment companies, creation of the possibility to quickly restore documents	Definition of the role of non-profit associations, formation of the state policy of possibilities of assistance, and creation of real possibilities of assistance
<b><i>Necessity of a governmental action plan</i></b>	Yes	Yes	Yes	Yes	Yes	Yes
<b><i>Rating co-operation among different institutions</i></b>	Not very efficient, better with non-profit associations, and representation offices of foreign countries	Relatively weak, better with the police institutions, and representation offices of foreign countries	Rather good. Better with the police, and other legal protection organisations	Insufficient, not functional. Some co-operation with non-profit associations, victims, and the police	Insufficient	Problematic, somewhat better with non-profit associations, and victims.

<sup>11</sup> Absence of clarity – the notion of trafficking in persons is not defined, the status of prostitution is not classified, there is no clear understanding at the state level whether trafficking in persons is a problem, and if it is, then who is responsible for its solving.

<b>Major problems of co-operation</b>	Information does not move, occasional duplication of work, co-operation network has not been developed	As it is not a priority, no significant reason for co-operation is seen	Absence of information about the operations of several involved organisations	Limitations of the Data Protection Act, lack of a willingness to co-operate, activities are isolated, and information does not move	Information does not move, no communication	No free exchange of information, co-operation based on personal relationships, state institutions are not active in co-operation
<b>Possible solutions for improving co-operation</b>	Ruled for information exchange, organisation of seminars, and information sessions for getting contacts, organisation of problem solving training	To create a scheme for the transfer of information, organisations of joint operations (for example, wit the police)	Organisation of discussion sessions, and seminars for creating contacts	Organisation of training sessions, and seminars, creation of an operational co-operation network, clear definition of tasks	Creation, and implementation of state action plan that would define the duties, responsibility, and rules of information exchange	Access to databases, definition, and regulation of information exchange, creation of a (state) action plan, clarification of activities
<b>What kind of training is needed</b>	Practical orientation: how to detect, investigate proceed cases; training of victim assistance, training distributing the experience of foreign countries	Practical orientation: knowledge that a border guard officer would be able to use in his or her every-day work	Practical, and theoretical: how to collect evidence, how to treat the victim, international legislation, court practices of other countries, general information about trafficking in persons	More general: the nature, reasons, and consequences of trafficking in persons, legal background. More specific: how to assist victims, legal background, possibilities of assistance	Practical orientation: how to detect cases, how to build up proceedings, how to protect the victim	Practical orientation: social knowledge, and practical experience from other countries, information related to the respective institutions

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