ESTONIA (Tier 2)

Estonia is a source, transit, and destination country for women subjected to forced prostitution, and for men and women subjected to conditions of forced labor. Estonian women are subjected to sex trafficking in Finland, Luxembourg, Denmark, Germany, Spain, the United Kingdom, and the United States. Estonian women are forced into prostitution in Tallinn. Young Estonian women that engage in false marriages in exchange for employment abroad may also be vulnerable to trafficking in persons. Men and women from Estonia are subjected to conditions of forced labor in Finland, Norway, Spain, Sweden, and the United Kingdom. Ukrainian nationals were subjected to labor exploitation within Estonia within the reporting period. Vietnamese nationals who were subjected to forced labor in Russia were transported through Estonia en route to other EU countries within the reporting period.

The Government of Estonia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2012, Estonian authorities prosecuted more individuals under the country's new anti-trafficking law, but they did not secure any convictions under this new law and did not impose significant prison sentences for individuals convicted under other laws for pimping or supporting human trafficking. The government sustained funding for victim care through NGOs, but the NGOs reported assisting fewer victims than in the previous year and the police did not refer any victims to NGOs for assistance. The temporary residency program for foreign trafficking victims went unused for a fifth consecutive year. The government sponsored some awareness campaigns for students and potential migrants, as well as a hotline to educate vulnerable individuals and refer victims to care.

**Recommendations for Estonia:** Increase efforts to investigate, prosecute, convict, and punish trafficking offenders; punish trafficking offenders with jail sentences that adequately reflect the seriousness of the offense; increase efforts to investigate labor recruiters as potential trafficking offenders; increase government efforts to identify victims of trafficking proactively; strengthen anti-trafficking training to include adding a distinct section on human trafficking to the curriculum of the Public Service Academy and other professional development programs for law enforcement personnel; ensure that potential trafficking victims are fully informed of their rights upon identification, including the right to apply for a residency permit; encourage more victims to assist in the prosecution of trafficking offenders by consistently funding legal counsel for victims; utilize the labor inspectorate to investigate labor trafficking and refer victims to care; increase the number of repatriated Estonian trafficking victims assisted; and fully implement the trafficking-specific policy objectives in the Development Plan for Reducing Violence for Years 2010-2014.
Prosecution

The Government of Estonia improved its law enforcement efforts during the reporting period by prosecuting more individuals under its new trafficking statute, but still struggled to secure convictions and strong prison sentences. Estonia prohibits all forms of trafficking through Article 133 of the penal code, which it amended in March 2012. The revised statute’s penalties for trafficking offenses range up to 15 years’ imprisonment; these sentences are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as forcible sexual assault. During the reporting period, Estonian authorities conducted 32 new investigations and prosecuted six people for trafficking under Article 133; in 2011, there were also three investigations and one prosecution under Article 133 in its prior form. All six cases in this reporting period involved sex trafficking offenses and were pending at the close of the reporting period. No defendant was convicted for human trafficking under the new law. One individual was convicted of providing support to human trafficking by attempting to transport five Vietnamese forced labor victims, including a child, from Russia to the EU; the offender received a prison sentence of eight months’ imprisonment. In addition, a defendant was convicted in a high-profile case under the pimping statute for recruiting almost 100 women for forced prostitution in clubs in Luxembourg and Greece; the new human trafficking law could not be applied retroactively. Despite forfeiture of the equivalent of $89,300 and a fine of the equivalent of $7,700, the trafficking offender’s sentence did not reflect the scope of this case; the offender served only six months in pre-trial detention.

The Central Criminal Police conducted a trafficking-focused seminar attended by 29 Central Criminal Police officials as well as representatives from Northern District Prosecutor’s office. However, the only other specialized anti-trafficking training for police or border guard officials was written material distributed during basic training. A study on labor trafficking conducted during the year concluded that awareness of trafficking remained low among government officials. Estonian law enforcement authorities collaborated on four transnational trafficking investigations during the reporting period. The Estonian government did not report the investigation, prosecution, or conviction of any public officials for trafficking-related complicity in 2012.

Protection

The Government of Estonia assisted fewer victims during the reporting period, though it sustained funding for shelters. Government-funded NGOs assisted 21 victims of trafficking in 2012, a significant decline from the 56 victims assisted in 2011. Of the 21 victims assisted in 2012, seven were women and 14 were men; seven were victims of sex trafficking and 14 of
labor trafficking. The police did not refer any victims to NGOs for assistance in the reporting period. According to a study, institutions with access to workplaces vulnerable to labor trafficking, such as the labor inspectorate and unions, did not participate in victim identification or referral. Law enforcement, immigration officials, and social workers received a manual produced by the government on how to identify and refer victims to care.

In 2012, the government provided the equivalent of approximately $148,600 to the two shelters for trafficking victims, as well as equivalent of approximately $43,600 to support the anti-trafficking hotline. There were no specialized shelters for male victims of trafficking; however, male victims had access to the same services as women, including legal counseling, aid in contacting the police, and assistance in submitting various applications for assistance. There were no specialized shelters for children, though child victims could reportedly stay at women’s domestic violence shelters. Victims could leave the shelters unchaperoned. The government claimed that no identified trafficking victims were penalized for unlawful acts committed while being trafficked. During 2012, as in 2011 and 2010, no victims assisted in the investigation or prosecution of trafficking offenders. Although foreign victims were eligible to apply for temporary residency for the duration of criminal investigations and legal proceedings in which they participate, no victims applied for such residency in 2012; one NGO reported that no trafficking victim has ever applied for a trafficking temporary residence permit since the introduction of such permits in 2007.

Prevention

The government demonstrated modest prevention activities during the reporting period. The government provided an NGO with the equivalent of approximately $43,600 to operate an anti-trafficking hotline; the hotline received 671 calls in 2012 from individuals vulnerable to trafficking. The government continued to educate consular officers, middle school students, and Estonians looking for work abroad. The Ministry of Justice led the government’s anti-trafficking working group, bringing together approximately 75 representatives of various government agencies and NGOs who met regularly to discuss anti-trafficking policy. The working group prepares an annual report of activity, which is available on government websites upon final government approval. The government had a national action plan on reducing violence, which included preventing and combating human trafficking as one of its four objectives. There were no special campaigns to reduce the demand for commercial sex acts within Estonia, though the topic was covered at trainings and seminars conducted by the Ministry of Social Affairs.