

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2020)15

**Report submitted by the authorities of Estonia
on measures taken to comply with
Committee of the Parties Recommendation
CP(2018)23 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

First evaluation round

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REPUBLIC OF ESTONIA
MINISTRY OF JUSTICE

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**Estonian Government reply to GRETA first
evaluation report recommendations**

Dear Ms Petya Nestorova,

Estonian replies about compliance with recommendations given by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the first evaluation report from 9.11.2018 are enclosed.

Yours sincerely,

Markus Kämer
(Deputy Secretary General of Criminal Policy)

Annex 1: Replies to recommendations on 27 pages

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Estonian answers to recommendations on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

List of GRETA's proposals with Estonian answers concerning the implementation of the Convention by Estonia:

Core concepts and definitions

1. GRETA urges the Estonian authorities to bring the definition of THB into conformity with Article 4 of the Convention, in particular, by:

- including the component of "action" in the definition of THB under Article 133 of the CC and ensuring that all the "means" provided for in the Convention are adequately reflected;
- explicitly including forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs among the forms of exploitation under Article 133 of the CC;
- clearly stating the irrelevance of the consent of a victim of THB to establishing a trafficking offence where any of the means have been used;
- ensuring that the criminalisation of trafficking in children fully reflects the provisions of Article 4 of the Convention.

In recent years, after GRETA evaluation, Estonia has made several important changes to Penal Code (PC) in the provision of THB, described as follows:

- 1) In 2019 the Penal Code was changed so that since 19.03.2019 crimes can take place with the economic gain purpose or without and also it is stated now in the PC, that when the person who has been committing these crimes earlier, will not be entirely released from the prison sentence.
- 2) Since 2017 buying sex from THB victim is criminalised.

It is important to highlight, that in 2019 the work has started in order to change Victim Support Act and the new proposal for the new legislation will be sent to the government in 2021. The discussions with the stakeholders on different level are ongoing at the moment.

Recent changes to Penal Code are highlighted underlined in the text of legislation is as follows:

§ 133. Trafficking in human beings

(1) Placing a person, for the purpose of gaining economic benefits or without it, in a situation where he or she is forced to marry, work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, and keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by one to seven years' imprisonment. [RT I, 19.03.2019, 3 - entry into force 01.07.2019].

(2) The same act if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen years of age;
- 3) committed against a person in a helpless situation;
- 4) committed in a torturous or cruel manner;
- 5) serious health damage is caused thereby;
- 6) danger to life is caused thereby
- 7) committed by a group; [RT I, 12.07.2014, 1 - entry into force 01.01.2015]
- 8) committed by taking advantage of official position,
- 9) serious consequences are caused thereby;
- 10) committed by a person who has previously committed a criminal offence provided for in this section or §§ 133¹, 133², 133³ or 175; is punishable by three to fifteen years' imprisonment.

[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment. [RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3¹) In the case of any criminal offence provided for in this section, if committed by a person who has previously been punished for a crime provided for in this section or §§ 133¹, 133², 133³ or 175 of this Code, the sentence imposed shall not be suspended in full. [RT I, 19.03.2019, 3 - entry into force 01.07.2019]

(4) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in subsection (1) of this section.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

Estonian authorities appreciate the recommendations concerning the definition of THB made by GRETA, but expresses the opinion that implementing some of them, in particular concerning enumeration of the „actions“, might be detrimental for prevention and prosecution of THB offences and there has not been any of the obstacles in the proceedings so far.

Criminalisation of trafficking in children fully reflects the provisions of Article 4 of the Convention and in the Penal Code recent changes from 19.03.2019 are also made in the provision regulating THB committed against minors:

§ 175. Human trafficking with respect to minors

[RT I, 19.03.2019, 3 - entry into force 01.07.2019]

(1) Influencing of a person of less than eighteen years of age, for the purpose of gaining economic benefits or without it, in order to cause him or her to commence or continue engagement in prostitution or commission of criminal offences, work under unusual conditions, beg or marry against his or her will or appear in pornographic or erotic performances or works if it does not contain the necessary elements of an offence provided for in § 133 of this Code, and aiding in other manner in the activities specified in this section of a person of less than eighteen years of age, is punishable by two to ten years' imprisonment. [RT I, 19.03.2019, 3 - entry into force 01.07.2019]

(1¹) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 133-133³, § 175¹ or §§ 178-179, is punishable by three to ten years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3¹) In the case of any criminal offence provided for in this section, if committed by a person who has previously been punished for a crime provided for in this section or §§ 133, 133¹, 133², 133³, 175¹, 178, 178¹ or 179 of this Code, the sentence imposed shall not be suspended in full. [RT I, 19.03.2019, 3 - entry into force 01.07.2019]

(3) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code. [RT I, 13.12.2013, 5 - entry into force 23.12.2013].

Comprehensive approach and co-ordination

2. GRETA urges the Estonian authorities to ensure that national action to combat THB is comprehensive, through the adoption of a dedicated action plan against THB, in which priorities, objectives, concrete activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated. The action plan should be accompanied by a mechanism for monitoring of its implementation and should aim to:

- address all victims of trafficking, including migrants and asylum seekers, for all forms of exploitation (including sexual exploitation, forced labour and services, the removal of organs, exploitation of criminal activities, forced begging, exploitative sham marriages), while considering the gender-dimension of trafficking and the particular vulnerability of children;

- strengthen action to combat both transnational and internal trafficking for different types of exploitation, by reviewing the legislative framework, improving the identification of, and assistance to victims of THB, and involving labour inspectors, civil society, trade unions and the private sector;

- strengthen action to combat THB for the purpose of labour exploitation by reviewing the legislative framework, improving the identification of, and assistance to, victims of THB for the purpose of labour exploitation, and involving civil society, trade unions, labour inspectorates and the private sector.

Current Strategy for Preventing Violence in 2015–2020 addresses violence between persons and does not discuss violence against oneself or collective violence. The Strategy encompasses violence between children, abuse of children, domestic violence (intimate partner violence), sexual violence and trafficking in human beings. The solutions proposed in the Strategy are guided by the World Health Organisation's understanding that risk factors for violence are related to the society (e.g. norms favouring violence, gender inequality), the community (e.g. lacking victim support services), relationships (e.g. domestic conflicts, poor parenting skills) and persons (e.g. history of abuse as a child, psychological and behavioural problems, addiction problems).

At the moment evaluation of the previous strategy and working process for the new period strategy is ongoing and in 2020 new concept for the new strategy for preventing violence is prepared. New strategy considers the WHO suggestions for violence prevention and taking notice to the areas relevant to address in Estonia. Concept for the new strategy is sent to government discussion in the end of 2020. New strategy will be compilation of the priorities of preventing and tackling violence on the state level, focusing further to the violence between children, abuse of children, domestic violence (intimate partner violence), sexual violence and trafficking in human beings. Developmental plans and assignments for different stakeholder will be described further not in the united developmental plan (since now annexed to the strategy), but will be described in the thematical developmental plans of the ministries responsible for the matters, for example investigation priorities described as actions in the developmental plans of the Ministries of Interior and Justice and victim support services are described in the developmental plan of the Ministry of Social Affairs.

Concerning trends of THB, then one of the focuses to highlight in the list of strategical goals, is working with foreign presumed or identified victims of THB and with labour exploitation cases. Recent years have grown contacts with foreigners within the crimes connected to trafficking (like pimping) and with labour exploitation cases solved in cooperation and by Social Insurance Board and Labour Inspectorate. Special attention has been put in recent years for working with foreigners in the investigations and also in victim support. In 2019 we had 54 presumed victims of THB, who were originally from third countries, mainly from Belarus and Ukraine, who got counselling and services from Social Insurance Board and also were related to criminal investigation. As Estonia has been over the years mainly the country for origin and also transit, then new era is arriving, where we have to admit, that we have become also a country of destination.

As number of foreign workers are recently in short decrease because of health crisis (COVID-19), but within recent years mainly in increase, then in 2018 Ministry of Interior worked out special action plan for preventing illegal employment in Estonia. Action plan covers several activities which helps to address the labour issues of the foreigners working in Estonia and also has the purpose to prevent trafficking. Action plan is to be found in here: <https://www.siseministerium.ee/et/eesmark-tegevused/kodakondsus-ja-ranne/tegevuskava-ebaseadusliku-tootamise-ennetamiseks>.

3. GRETA invites the Estonian authorities to set up formalised procedures or agreements clarifying the roles and responsibilities of different stakeholders.

Guidelines of the referral and identification of the victims were updated in 2019 and public version is here: <https://www.kriminaalpoliitika.ee/et/inimkaubandus/juhendmaterjalid>. These guidelines are meant for all the specialists getting into contact with victims of THB. Special attention has been paid to juveniles (one chapter dedicated to juveniles) and also it is described how to work with foreigners, but not with other targeted groups. NGO Lifeline produced in addition to mentioned guidance, information material about helping victims with disabilities in cooperation with the Estonian Chamber of Disabled People. Both mentioned guidances were introduced on special trainings.

4. GRETA considers that the Estonian authorities should examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.

Discussion over establishing National Rapporteur were not held over last years. The Criminal Policy Department at the Ministry of Justice hold the post of the National Coordinator on Trafficking in Human Beings in Estonia, which is a part time work for one of the advisers in Analysis Division. The National Coordinator is Estonia's equivalent mechanism to the National Rapporteur and has the role to coordinate the implementation of anti-trafficking policies, incl. organization of the meetings of the stakeholders at all levels, analysing crime statistics, comprehensive data collecting and reporting to the agencies asking information about Estonian situation of THB.

In 2015 on student thesis was made for analysing the option to establish national rapporteur position and the result of the analysis showed that the most appropriate place could be in the Ombudsman Office.

Trainings of relevant professionals

5. GRETA urges the Estonian authorities to step up their efforts to provide regular training on issues related to THB for different forms of exploitation to all professionals who may come into contact with victims of THB, including labour and tax inspectors, social workers, prosecutors, judges, staff of reception centres for asylum seekers and migrants, health-care staff, specialists working with children. Training programmes should be designed with a view to improving the knowledge and skills of relevant professionals to enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims, and to secure convictions of traffickers.

About the trainings general agreement has made that one multidisciplinary training is organized at least once a year and the mapping of the trainings needs has shown, that more attention has to be given to mental health issues. We need to consider that mental support to specialists working with heavy crimes like THB, also offering them continuous supervision and covision possibilities is needed, because the reflection from crime cases and victim support shows, that mental health issues are relevant among victims and also perpetrators. So, skills for working with mental health issues are needed and trainings need to include elements of it. COVID19 crisis and special circumstances in the country showed us that problems with mental health are also in rise because of the lockdown. On the state level implementation of the green paper of mental health is ongoing, https://www.sm.ee/sites/default/files/news-related-files/vaimse_tervise_roheline_raamat.pdf and it should reach to governmental action plan in 2021.

About trainings and awareness raising one good example to share is, that Estonian colleagues have been asked to introduce their working experience to foreign colleagues on numerous conferences and seminars. Some of the examples as follows:

- 1) OSCE has asked twice Estonian police officers and prosecutors to take part of their high-level conferences and trainings in 2019-2020 to introduce our work practices related the use of technologies as investigative tools.
- 2) In april-may 2019 colleagues from Social Insurance Board and Labour Inspectorate introduced our practices with working with labour exploitation in Estonia, on the seminars in Sofia and Kiev, under the the project „Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region (HOF-BSR)“.
- 3) June 2019 Social Insurance Board gave presentation on the forum on Corporate Responsibility of Businesses in Riga.

Some highlights of the trainings in the years 2018-2020:

- 1) Trainings for judges took place in May 2018, as one-day sessions in Tallinn and Tartu, altogether 64 judges and court officials participated and also were informed about THB and victims assistance possibilities.
- 2) Estonian specialists from police, prosecutor's office and NGO representatives got the chance to be part of the international training supported and organized by US Embassy in 2018 to get to know more about the investigation, rehabilitation of the sexual crimes; also, specialists take part

- in the thematical CEPOL trainings; specialists from Labour Inspectorate are active in workshop of UDW (undeclared work platform).
- 3) NGO Living for Tomorrow and THB hotline has led for several years' prevention towards vocational schools as one concrete targets, in 2018 there have been done human trafficking (demand, sham marriages and labour and sexual exploitation topics) prevention lectures in 6 Harjumaa (North Estonia) vocational schools. In total 574 pupil participated (135 girls and 439 boys). In addition to youngsters the attention has been put also for educating vocational school teachers, social and youth workers in North-Estonia (Tallinn) and East-Estonia (Sillamäe), in total 39 participants were participating on the seminar held for them. Both activities are state financed by Ministry of Social Affairs.
 - 4) Ministry of Foreign Affairs of Estonia has an outreach program for high school students in respect of smart travelling. Lectures are given at schools every year to raise awareness of young travellers of potential risk situations they may occur abroad. Among other things, human trafficking is covered.
 - 5) In 2018 training videos for youngsters were made, find here: https://www.youtube.com/watch?v=3F_br5IeFRw&t=9s and they are in active use in schools. From 2019 these videos are available on e-learning platform for students and teachers, see more: <https://e-koolikott.ee/kogumik/26780-Inimkaubanduse-vastu-voitlemine-ja-ennetamine>.
 - 6) Joint training event was organised in September 2019 for all police officers, including criminal investigators and migration supervisors, prosecutors, customs officers, labour inspectors and victim support staff responsible for tackling human trafficking and/or support its victims, to introduce the guide and promote cooperation. During the training, the topic of proving criminal offences related to human trafficking was discussed and the participants shared cooperating experiences and practical knowledge as well. In addition, they were educated on working with clients with mental disorders, as the daily work of specialists shows that mental health disorders are prevalent and today's employees do not have enough skills to handle them.
 - 7) In 2019 training video for specialist was made for the multidisciplinary training, but this can be used as preparatory training for new specialists starting to work with THB issues. Video is here: <https://www.youtube.com/watch?v=kAC2Zg4b20k&t=4s> <https://www.youtube.com/watch?v=kAC2Zg4b20k&t=4s>.
 - 8) We have created e-training videos, also e-lecture classes in 2020, because of the COVID19 situation. E-lectures were done to 7-12th grade students: <https://youtu.be/MbXzdlhoFyo> (in Estonian), <https://youtu.be/zN9IDhbNYSA> (in Russian).
 - 9) In 2020 also 2 e-courses over the zoom were made for specialists working with young people, to youth workers and teachers.
 - 10) Ministry of Social Affairs is organising trainings in autumn 2020 for child protection specialist and victim support specialists. In every four regions in Estonia, two-day trainings are taking place. The nature of human trafficking, identification and supporting of its victims, and cooperation among different organisations will be covered via trainings.
 - 11) Training on the topic of human trafficking is part of the basic training and in-service training of police officers as per the annual training plan. All new police officers undergo basic training at the Academy of Security Sciences, in-service training of the officers takes place as internal training of the Police and Border Guard Board.
 - 12) The Academy of Security Sciences provided basic training in 2018 to 100 Police students, 25 Tax and Customs students and 9 students who had chosen the training as an elective on the basis of the ERASMUS curriculum. In-service training provided by the Police and Border Guard Board was completed by 24 officials in 2018. Training on the topic of human trafficking has also been received by assistant police officers.
 - 13) Vocational training curriculum "Police Officer" that is provided by the Police and Border Guard College of the Academy of Security Sciences, also covers human trafficking. The training aims to provide the learner with the knowledge, skills and attitudes that allow a police officer protecting the public order, guarding the state border, conducting border checks at border crossing points to be able to prosecute common misdemeanors and to initiate criminal proceedings in accordance with the law. Having completed the application plan of the modules for the given curriculum, the student is able to: distinguish human trafficking from smuggling and to explain their nature in accordance with international and national law; describe possible

forms of human exploitation, prevention of human trafficking and smuggling, describe combating it based on best practices and describe the sensitive treatment of human trafficking victims in accordance with the regulations.

Passing criteria:

- explains what is meant by human trafficking and smuggling;
- describes different possibilities for exploitation depending on the case;
- highlights the circumstances which indicate the suspected human trafficking, smuggling of human beings, based on the case (Modus operandi);
- indicates the official's actions in the event of a suspected case of human trafficking or smuggling;
- describes how the official is to communicate with the alleged victim, based on the case;
- explains how human trafficking or smuggling can be prevented and combated.

One of the assessment methods and tasks to be assessed is a group work task - solving a case of suspected human trafficking or smuggling. One of the thematic blocks, which also covers human trafficking, is "Fundamental rights and knowledge of the principles of international protection", including:

- Fundamental rights and the need to protect them;
- Children and vulnerable persons, ensuring their rights;
- Principles of non-refoulement and their application in applying for an asylum and in administrative procedures in accordance with EU and national law. Definitions: return, extradition, take back, take charge (Dublin);
- International and national organizations for the protection of fundamental rights and their relation with policing (UNHCR, IOM, FRA, CPT, The Legal Information Centre for Human Rights, European Court of Human Rights, EIHR);
- Definitions related to human trafficking (difference between human trafficking and smuggling);
- Modus operandi, trends in human trafficking;
- Identification of human trafficking victims (behavioral, appearance-based characteristics) and sensitive treatment.

Study methods:

- Lecture - on the sources of fundamental rights and the fundamental rights, freedoms and principles, incl. children, vulnerable persons, principles of non-refoulement, return, extradition, take back, take charge procedures, organizations for the protection of fundamental rights, human trafficking, smuggling.
- Situational analysis for the identification of fundamental rights' violations and discrimination and the protection of children's rights.
- Group work tasks - solving cases on international protection, suspected human trafficking or smuggling.
- One of the choices for an independent task to be solved by the student: solving a case on international protection, suspected human trafficking or smuggling.
- One of the subject blocks, which also covers human trafficking, is profiling, incl. risk groups, risk indicators (risk groups, incl. human traffickers and smugglers, itinerary, tickets, border crossing time, behavior, language, luggage, clothing), high-risk countries.

The "Police Service" curriculum has three in-depth study fields as part of the applied higher education curricula of the Academy of Security Sciences: border guard, criminal police and law enforcement police. Specialty-based elective module covers smuggling of human beings and human trafficking as cross-border organized crime (in English). Purpose of the subject: the student is knowledgeable of the nature of human trafficking and smuggling and of the general characteristics of potential victims and perpetrators of human trafficking and smuggling.

Passing the subject, the student:

- describes the nature of human trafficking and smuggling and the principles of detection;

- describes the general characteristics of possible victims and perpetrators of human trafficking and smuggling.

Specialty-based subject block "Processing of Serious Hidden Crimes" includes the methodology of investigating human trafficking (in full-time study: 3 lectures, 2 seminars, 2 group seminars, 1 practical session; in distance learning: 2 lectures, 1 seminar, 1 group seminar, 1 practical session):

- Forensic characterization
- Circumstances to be clarified in investigating human trafficking
- Typical investigation situations and the resulting algorithm of the investigator's activity in the initial stage of the investigation
- Planning for initial versions and investigation
- Methods for the identification of the criminal event and checking of source materials.
- Specificities of conducting investigative and surveillance activities, incl. cross-border procedural activities and other international co-operation.
- Typically used examinations and issues thereby addressed.

14) IOM has conducted trainings on the subjects of "Migration and Health" in 2019, with the target groups being healthcare providers, representatives of the Police and Border Guard Board and the social sector. Regional trainings, therefore there has been variation across groups. HT as such has not been the main topic, but has received some attention and mention. All that has been in view of migration. IOM is also providing lectures on the topic "Search and Rescue at Sea (SAR)" at the Maritime Academy with the focus being largely on the Mediterranean. Thus, the topic of HT is addressed in addition to smuggling. These are small groups, but these are sailors who are receiving in-service training and SAR is a part of it. I put together the last group in this September, the whole group was made up of Estonians, but the whole of Baltics has been represented in the groups previously. 1-2 times a year.

15) In the period 2017 - 2019, one labour inspector from the Labour Inspectorate (total of 3 labour inspectors) have taken part in the simulation course "Combating Human Trafficking along Mediterranean Migration Routes" organized by the Organization for Security and Co-operation in Europe (OSCE). The simulation training course is held in Vicenza, Italy, in the military area of the Centre of Excellence for Stability Police Units (CoESPU). CoESPU is a training ground for training the carabinieri (military police units) and these areas are used for providing military training. The purpose of the simulation is to enhance co-operation between countries and various organizations in identifying and assisting victims of human trafficking, as well as in prosecuting criminals. The main objective of the simulation was to increase co-operation between organizations in identifying and assisting victims of human trafficking, as well as in prosecuting criminals. The simulation included realistic cases of occupational and sexual exploitation of migrants, incl. cases involving children.

16) In October 2020, online training on the topic of foreign workers was conducted in co-operation of the Tax and Customs Board, the University of Tartu, the Police and Border Guard Board, the Social Insurance Board, the Estonian Unemployment Insurance Fund. The Labour Inspectorate had 37 officials participating, incl. labour inspectors. The training covered the following topics: Treatment of a foreign worker in Estonia from the legal theory point of view of Estonian law and EU law and private international law; Permission to employ an alien; The main problems and opportunities for co-operation with the Labour Inspectorate for migration advisers; Cross-border social security and A1-forms; Taxation of aliens, amendments to the law that entered into force this year; Victim support (signs of labour exploitation and / or human trafficking), problems in the client's view to turning to the Labour Dispute Committee.

17) Within the framework of the co-operation agreement, the Estonian Labour Inspectorate has co-operated with the inspectorates of Norway and Finland. There have also been cross-border inspections. The areas of inspection being construction, transport, work environment. The purpose of co-operation is to learn from each other and exchange experiences.

Data collection and research

6. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA urges the Estonian authorities to develop and maintain a comprehensive and coherent statistical system on

trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims, as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

Ministry of Justice is responsible in the state in collaborating with other stakeholders in order to evaluate trends of THB and to cooperate for answering the requests coming from international organizations. Crime statistics overviews are done every year for THB as well, they are public and are found in here: <http://www.kriminaalpoliitika.ee/et/statistika-jauuringud/kuritegevus-eeestis>.

Regards victim's data we differentiate in our data collection identified and presumed victims and there are statistics available about the number of the victims, about services given to them, about their origin, sex, date of birth. Sometimes there has been problems with identifying the age and nationality of the foreign victims, because sometimes persons have several citizenships and sometimes victims are not willing to give out information about their age and nationality. The plan is to update the data collection sheets within police and social service providers in due time.

7. GRETA considers that the Estonian authorities should conduct and support further research on THB as an important source of information for the evaluation and planning of policy measures. Areas where research should be carried out include trafficking for the purpose of labour exploitation, trafficking taking place within Estonia, including for the purpose of sexual exploitation, child trafficking, as well as recruitment of victims through the Internet.

In the recent years there are some items of research which correlate to THB matters and are giving wider understanding namely to the sexual and labour exploitation issues.

Estonia participates in the project FLOW and several research items and also guidance has been worked out over the years 2018-2020, see more:

https://www.heuni.fi/en/index/researchareas/humantrafficking/flow_thb.html

Also, through the project of HOF-BSR, special attention has been put to the media and one media analysis about THB news was made in CBSS countries, incl Estonia, in addition media guidelines were worked out. Media analysis from several countries are described in the guidance in here: <https://cbss.org/publications/media-and-trafficking-in-human-beings/>.

National Health Institute carried out in 2017 research about health of the women engaged into prostitution, research is here: https://intra.tai.ee//images/prints/documents/150515145770_Prostitutsiooni_kaasatud_naiste_tervise_uuring_2016.pdf.

In 2020 research about children and youth sexual exploitation was released: https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/laste_ja_noorte_seksuaalse_vaarkohtlemise_uuring_2020_euk.pdf

We see the trend that children are more active in social media and in the internet and as this causes threats and vulnerability as well to trafficking, then it is worthwhile to point out EU Kids Online research about children's internet behaviour, more information here: <https://sisu.ut.ee/euko/avaleht>.

International co-operation

8. GRETA considers that the Estonian authorities should continue to develop international co-operation in the field of action against THB, with a view to preventing THB, identifying and assisting victims of THB, and prosecuting THB cases.

Within recent last years we have focused on number of foreign cooperation initiatives and this has helped to standardise some practices, namely with neighbouring countries, Nordic and Council of Baltic Sea States countries both on universal prevention, referral and also protection and investigation. Like transnational referral mechanism of the Baltic Sea Region, <https://bsr-trm.com/> or several labour exploitation guidelines, seminars, which are implemented and carried out with partners from neighbouring countries in the FLOW project, https://www.heuni.fi/en/index/researchareas/humantrafficking/flow_thb.html.

Estonia takes part also from the CBSS projects CAPE and since 2020 in the THALIA project. CAPE project is lead by Latvia in the CBSS and the project addresses human trafficking (THB) for labour exploitation in all CBSS Member States. The main objective of the project is to support stakeholders in combating and disrupting human trafficking for labour exploitation by analysing and consolidating information, improving assistance to victims and stepping up prosecution of traffickers. The project will involve a baseline research component on trafficking for labour exploitation in Denmark, Germany, Latvia, Poland and Norway; three transnational experts' workshops in Norway, Finland and Germany with professionals and practitioners from all CBSS member states; a high-level conference to present the project outcomes and required actions in the CBSS Member States.

THALIA is a new project of CBSS countries, starting in November 2020 and is dedicated to the role of media and journalism in shaping our collective understanding of human trafficking. Strengthening the competences of future journalists on the issue, which centres the project. This project seeks to connect and engage students and teachers of journalism in the Baltic Sea Region by raising awareness on human trafficking as well as by fostering exchange of experiences between students and teachers of journalism in Estonia, Finland, Latvia, Russia, Sweden and Ukraine. The project takes a proactive approach by identifying future journalists and teachers of journalism as its target group with activities designed to intertwine the exchange of theoretical and practical knowledge on the national level with a macro-regional level, through national panel discussions, international workshops and a competition for students of journalism.

In the daily cooperation of the investigations and assistance to victims we are able to say, that good cooperation is done with IOM by our service providers and police. All the needed counterparts have regular meetings with each other in order to proactively react to the cases of the foreign victims (presumed or identified) and when needed, then for organizing safe travel back to origin country.

Regarding international investigations the European Investigation Order is especially effective and in enabling to obtain information relevant to proceedings from another country, it has become most widely used. Also, SIRENE European police co-operation, is a way to organize international procedures on an operational level.

From recent international practice police estimate that during 2019, there were two significant changes in the crime related to human trafficking:

- a) During the year, 75 women from third countries (Ukraine and the Russian Federation, but also Belarus and Moldova, who arrived here through the WhatsApp and Telegram communication groups for so-called "Sex Tours", have been apprehended in Estonia and more than 10 women from third countries have been sent back from the border. The activities of the persons are co-ordinated and managed directly, incl. being pimped by criminals in different foreign countries (based on what has been identified thus far, mainly in Ukraine, the Russian Federation and Turkey) and simultaneously recruits are pimped from Arab countries to Estonia, thus covering most all of the countries in Europe (in fact, the whole world). All activities are virtual and take place using the WhatsApp and Telegram social networks, where previously created anonymous accounts with unidentifiable virtual subscriber numbers from different countries of the world are used. The flow of funds is organized through MoneyGram, cover persons based in different countries are used. Communication with customers located in Estonia also takes place using the anonymous

virtual accounts of WhatsApp and Viber, the users of which (or dispatchers) are usually located in third countries. This is extremely highly organized crime, which requires close co-operation with the countries of origin. To this end, the police has established direct contacts with Ukrainian and Belarussian counterparts, thereby also apprehending the first perpetrators of such crimes, who have also been convicted of the acts committed by now.

- b) The daily work of the police indicates that hundreds of "job advertisements" are published daily in relevant communication groups, through which women are invited to all European, Asian, South and North American countries (incl. the USA) and through which women are also pimped domestically in Ukraine, the Russian Federation and Belarus. These communication groups simultaneously include thousands of people, mostly from Russian-speaking countries of origin.

One of the good practices to share is from Labour Inspectorate, namely Estonia joined the Parents@Work project funded by the European Commission in March 2020, this project is dealing with issues of discrimination in reconciling work and family life. The project is coordinated by Belgium. Portugal and Bulgaria are also participating in the project. Estonia participates through the Estonian Office of the Gender Equality and Equal Treatment Commissioner, which also involved the Labour Inspectorate for co-operation. Within the framework of the Parents@Work project, the Estonian Office of the Commissioner and the Labour Inspectorate organized for labour inspectors on 20 to 21 October 2020 the training "Equal Treatment of Employees. Operational Perspective". The training was provided by Gender Equality and Equal Treatment Commissioner Liisa Pakosta. One part of the training was theoretical, which was very well related to practical examples, and the other part discussed / analyzed real-life cases. A total of 50 official from the Labour Inspectorate participated. The project will also include an international webinar on 4 December 2020 on the topic "Tackling pregnancy and parenthood related discrimination in the labour market".

Measures to raise awareness

9. GRETA considers that the Estonian authorities should take additional measures to inform the general public of THB for different purposes of exploitation, including exploitative sham marriages. Targeted measures should be implemented for groups particularly vulnerable to THB, such as children in residential institutions, persons seeking employment abroad, migrant workers and asylum seekers. Future information, awareness-raising and education campaigns should be planned with the involvement of civil society, on the basis of the assessment of the impact of previous preventive measures.

Number of awareness raising activities in recent years were done within international projects or in international cooperation actions, of which some highlights:

- 1) Cooperation project with Swedish Government and Institute and with Council of Baltic Sea States, called HOF-BSR. This is a transnational project that aims to develop the Baltic Sea Region as a model region in identification and provision of comprehensive and sustainable assistance to victims of human trafficking focusing on maximizing the effectiveness and unifying practical cooperation among experts involved in the fight against human trafficking by developing a Transnational Referral Mechanism in the Baltic Sea Region, also addressing the gender dimension of human trafficking and victim-blaming stereotypical attitudes by providing mass media with knowledge and tools needed to report on human trafficking cases. More information is found here: <http://www.cbss.org/safe-secure-region/tfthb/>. In Estonia we produced in Estonian [media guidelines](#) and also [glossary](#) of THB terminology through this project. We were able to organize 2 seminars for journalists for introducing both items from the projects.
- 2) ISF funded project FLOW, which promotes a holistic approach to the prevention and investigation of trafficking in human beings (THB) in conjunction with economic crime and engages businesses in the prevention of THB. More here: https://www.heuni.fi/en/index/researchareas/humantrafficking/flow_thb.html. We held several seminars on the theme with stakeholders engaged into the work against labour exploitation, incl enterprizes from construction sector, also several guidance was worked out for enterprizes and

also law enforcement agencies. For example, 31.5.2018 seminar to companies of construction, fast food and cleaning is held and the plan is to discuss how the businesses can act responsibly and create the circumstances, which prevent labour exploitation. Demand side is touched through the responsible supply chains and in this aspect HEUNI introduces recent guidelines of Finland: <https://amcham.fi/how-can-businesses-tackle-forced-labor-in-their-supply-chains/>. The links for Estonian guidances above on the project website, it is worthwhile to point out that guidances are translated and therefore well received by the specialists.

- 3) Estonia participated in the European Crime Prevention Network and EMPACT (workgroup of the European Commission) campaign related to EU Policy Cycle and dedicated to support assistance of victims who are in contact with law enforcement agencies. Materials of the campaign in Estonian are here: <https://www.kriminaalpoliitika.ee/et/inimkaubanduse-ohver>, also videos in two languages: <https://www.youtube.com/watch?v=M-evEWudG8g>, <https://www.youtube.com/watch?v=uRUj-POMazA>. The campaign in Estonia was carried out by the Social Insurance Board and in regional offices of victim support. Campaign information also here: <https://eucpn.org/preventhumantrafficking>.

In addition to international practices we have started with e-learning courses (see p 5, trainings) and also Social Insurance Board has started in 2020 with podcast for promoting social services and two podcasts of trafficking issues have been made, both in Estonian and also in Russian. Podcast is found: <https://podcast.ee/sotsiaalkindlustusameti-taskuhaaling/>

Police and Border Guard Board started the migration advice project on the 1st of March 2017 and this enables for foreigners to seek help also about possible cases of THB. Migration advisers provide the service in three languages: Estonian, Russian and English. It is possible to get advice via e-mail, phone, Skype and face-to-face meetings. Migration advisers are consulting foreigners, employers and everybody who needs information about legal basis to stay and work in Estonia. Advisers provide information about different support systems and contacts, if people need assistance. On average migration adviser have 1500 consultation cases per month.

Based on the migratory trends and due to more Ukrainian nationals being subject to labour exploitation in Estonia, IOM Estonia together with IOM office in Kiev, Ukraine included information on Estonia to the Hotline for Migrant Advice and Counter Trafficking. The information about hotline is promoted via IOM office in Ukraine through its social media channels. The Hotline has annually received following phone calls on migrating to Estonia:

- 2019 – 125
- 2018 – 127
- 2017 – 83
- 2016 – 39
- 2015 – 32

IOM Estonia together with the Estonian Police and Border Guard has prepared information materials including snapshot on legal migration to Estonia, support mechanisms available (incl. in case of employment contract) and return. This snapshot has been included into the websites of Estonian embassies abroad. It is also envisaged that it will be shared primarily with third country embassies covering Estonia. IOM Estonia together with Social Insurance Board is carrying out trainings/info sessions to beneficiaries of international protection on how to be aware and prevent labour exploitation and in case of such situation where to turn to for assistance. The session takes place within International Protection training Module of Settle in Estonia Programme.

In 2018, we started co-operation with the Estonian Hotel and Restaurant Association and organized a training seminar for the Association's member in co-operation with the Ministry of Justice, Ministry of Social Affairs, LFT and the Police and Border Guard Board, where we discussed the topics of pimping, human trafficking and buying sex from a minor. The Police and Border Guard Board, in co-operation with assistant police officers, has held dozens of lectures in schools, during which the issue of human trafficking has also been discussed, and other partners have done this as well. For example, in 2018, the Ministry of Justice initiated an optional course in criminal policy at Paide Gymnasium, within the

framework of which a lesson is also dedicated to human trafficking. This course was continued in Paide for 2019 and the same course was also initiated in 2019 at Viimsi Gymnasium. The criminal policy course is also in the curriculum of Viimsi Gymnasium for the academic year of 2020 - 2021.

The Labour Inspectorate is able to highlight the information campaign "Know your rights - guidance and training" ("Tunne oma õigusi - juhendamine ja väljaõpe") from 2018, which was aimed at employees and employers. To remind the importance of supervision, the Labour Inspectorate invited companies and organizations to participate in the initiative "Contribute to safety, now!" („Panusta ohutusse, kohe!") in the last week of September 2018. In addition to that campaign, regular information days are annually organized for employees and employers in co-operation of the Police and Border Guard Board, Tax and Customs Board and the Labour Inspectorate on the topic of recruiting an alien from Estonia / foreign labour.

The Working Life (Tööelu) portal managed by the Labour Inspectorate has a separate section on equal treatment, equal opportunities, which also deals with the separate issue related to human trafficking. All this is accessible for labour inspectors as well as employers and employees, incl. foreign employees (in Estonian <https://www.tooelu.ee/et/tooandjale/toosuhted/vordne-kohtlemine-vordsed-voimalused/Inimkaubandus-ja-tootalane-arakasutamine> ; Russian and English <https://www.tooelu.ee/en/Employer/Working-relations/Equality-and-equal-possibilities/Human-Trafficking-and-Professional-Abuse>)

In various institutions, we are addressing the questions of raising awareness, inter alia, through the media and articles / news clips etc. The most important media coverage on the topic of human trafficking from 2018 can be found here: <http://www.lft.ee/inimkaubitsemine/meedia>. Through the years, we have also acknowledged meaningful articles and those journalists who have highlighted and discussed the issue of human trafficking in the Estonian media more thoroughly than just at the level of another news item.

Labour exploitation schemes have repeatedly been covered in the media during 2019 and several different schemes have been well described by Postimees: <https://leht.postimees.ee/6850653/labi-euroopa-tagaukse-tuhandete-ukrainlaste-pisarate-hind-on-kolmandik-eesti-majanduskasvust>, lisaks ERR <https://news.err.ee/1032157/amendments-to-prevent-abuse-of-rules-of-work-green-lit-by-government>. Additionally, an article has been published in collaboration with different countries, in which the same story is available in English: The fairly commonly used scheme is nicely conveyed in the following article: <https://www.occrp.org/en/investigations/toiling-in-europes-gray-zone>.

Some media excerpts from 2019:

16.12.2019 Postimees, journalist Holger Roonemaa, Jekaterina Minkova, Mari Mets. „Through the back door of Europe: the price of thousands of Ukrainians' tears is a third of Estonia's economic growth" (interview with the Social Insurance Board human trafficking counselling service director Sirle Blumberg).

22.11.2019 www.personaliuudised.ee. "The good and the bad of working abroad", author Ingrid Rääk (introduction of the topic of human trafficking and of counselling services, Sirle Blumberg).

20.11.2019 www.tööelu.ee. "The good and the bad of working abroad", author Ingrid Rääk (introduction of the topic of human trafficking and of counselling services, Sirle Blumberg).

20.11.2019 on the website of the Chemists' Trade Unions. "The good and the bad of working abroad", author Ingrid Rääk (introduction of the topic of human trafficking and of counselling services, Sirle Blumberg).

11.11.2019 Pealinn.ee. Journalist Meelis Piller "GUIDE FOR DECEIVED MIGRANT WORKERS: I have lately seen many people in tears" (interview with the human trafficking counselling service director Sirle Blumberg).

22.10.2019 Raadio4. Journalist Inga Sozinova „Торговля людьми: Эстония стала страной назначения" (interview with the human trafficking counselling service director Sirle Blumberg).

22.10.2019 Raadio4, Подробености (start listening from 00:59) (interview with the human trafficking counselling service director Sirle Blumberg).

18.10.2019 Kuku Raadio, Keskpäevatud. Interview for the programme regarding the meaning of the World Day Against Trafficking in Persons and what is happening in Estonia (interview with human trafficking counselling service director Sirle Blumberg).

17.10.2019 Eesti Päevaleht. Journalist Kärt Anvelt „We had to pay for your trip and now you have to pay for it by selling your body!“ (comment from the human trafficking counselling service director Sirle Blumberg)

15.08.2019 Eesti Päevaleht. Journalist Laura Mallene „Foreign prostitutes are being pimped to Estonia. Trafficking in human beings is gaining momentum“ (the print version noted the support line number +372 660 7320, the online version includes a comment on those involved in prostitution)

07.08.2019 interview for the PBK programme „Доброе утро, Таллинн!“: кто поможет работникам-нелегалам“ (comment from the human trafficking counselling service director Sirle Blumberg)

23.07.2019 Stolitsa. Journalist Aleksandra Matvejeva „Скрытый бизнес: сколько стоит брак с девушкой из Эстонии“ (comment from the human trafficking counselling service director Sirle Blumberg)

26.06.2019 interview on ERR Raadio4 broadcast „Торговлю людьми можно предотвратить“ (comment from the human trafficking counselling service director Sirle Blumberg).

During the first half of 2020, information was provided through online trainings and virtual meetings, the target group was people working with the youth. Youth workers and teachers were trained three times, once as part of contact training in October 2020 at Lääte Gymnasium, other trainings were attended as online course by members of the Estonian Youth Workers' Council and also by the young people studying youth work at the Tallinn University.

We consider it important to separately address the issue of role models, namely that in recent years, publicly and on a high level, professionals working in the field of trafficking in human beings have been recognized for their valorous work in combating trafficking in human beings. Namely that in 2019, the director of the Ida-Viru women's shelter, Lilli Andrejev, received the President's award for her years of work in dealing with human trafficking issues in the Ida-Viru region. The Minister of Justice awarded the Violence Prevention Award to Kristiina Luhti and Sirle Blumberg in 2020, both of them have been tackling human trafficking issues for many years. Since the beginning of 2000s, Sirle has contributed to violence prevention through the civic association that is MTÜ Living For Tomorrow, in recent years, her path has continued at the Social Insurance Board where she is active in the area of trafficking in human beings. For years, Sirle has been behind the operation of human trafficking counselling and assistance hotline 660 7320. Kristiina Luht has been shaping public sector policy and practice on violence prevention for a long time. Kristiina's contribution is having raised the issue of trafficking in human beings in Estonia for the first time and having taken the lead in promoting the topic in the social field to this day.

Measures to discourage demand

10. GRETA invites the Estonian authorities to ensure the effective application in practice of the provision criminalising the purchase of sex from a victim of trafficking, with the knowledge that the person is a victim.

Istanbul Convention was ratified in Estonia in 6.10.2017 and changes to Penal Code in relation to this legislation were made so that Article 133¹ of the Penal Code ("facilitating human trafficking"), adopted on 26 June 2017, the Estonian Parliament criminalised the purchase of sex from a victim of trafficking, with the knowledge that the person is a victim. According to information provided by the authorities, no court decisions so far under this provision.

During the EEA and Norwegian Financial Mechanisms 2014 – 2021 programme, special programme on Domestic and Gender-based Violence will be implemented. Since gender-based violence is very strongly present when looking at the sexual exploitation of women in prostitution, several activities will be organised in 2021-2022. At least two awareness-raising activities will be carried out to reduce the demand for paid sex, and at least one social program for sex buyers to change their behavior through

social measures will be tested and implemented. These activities will be carried out via tenders, NGOs, media companies and other are invited to participate.

11. GRETA considers that the Estonian authorities should enhance their efforts to discourage demand for services of trafficked persons, for all forms of exploitation, in partnership with NGOs, trade unions, international organisations and the private sector. Particular attention should be paid to prevention of trafficking in supply chains and outsourced services.

As referred earlier, then project FLOW is dedicated to promote a holistic approach to the prevention and investigation of trafficking in human beings (THB) in conjunction with economic crime and engages businesses in the prevention of THB and this project with all the guidances have helped us to raise awareness of the business sector about THB risks and threats.

Cooperation with the private sector and the Hotel Association in Estonia is strengthened and already 2 years in a row there are cooperation seminars done. First year the seminar was focused for raising awareness on THB and increase identification of victims of human trafficking, including all forms of violence against children in the hotels and restaurants sector and second year the theme was corporate social responsibility, incl subcontracting chains and paying fair salaries.

Labour Inspectorate does with police dedicated work on the market and for example in 2019 they made 20 targeted control visits for businesses to check the working conditions. In 2020 there are already 52 investigations of checking the conditions of labour facilitation (30) and also facilitation of rental work (22).

12. GRETA invites the Estonian authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

The Penal Code at the moment does not establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB. After the enactment of the amendment regarding to Penal Code § 133-1 (1) in regards to the Istanbul Convention, buying sex from the victim of THB is considered a crime.

Social, economic and other initiatives for groups vulnerable to THB

13. GRETA considers that the Estonian authorities should continue strengthening prevention of THB through targeted social and economic empowerment measures for persons vulnerable to THB, which address root causes of THB, such as gender inequality, gender-based violence, and absence of employment opportunities.

During the reporting period, activities to promote gender equality have been implemented in the framework of the "Welfare Development Plan for 2016-2023"^[1] and through the four-year rolling Gender Equality Programme(s). Measures planned in the development plan and the programme(s) vary from awareness raising to legislative initiatives, including both special measures to promote gender equality and activities that support the implementation of gender mainstreaming. To reduce gender inequality, prevent its resurgence, and achieve gender equality in different spheres of life, attention is paid to reducing gender stereotypes that cause gender inequality and their negative impact; reducing gender segregation in education and the labour market; supporting the economic independence of men and women, therein reducing the gender pay gap; achieving a gender balance on the decision-making levels of society; enhancing the protection of rights; and ensuring institutional capacity, including the analysis and management capabilities necessary for the promotion of gender equality.

Although the gender pay gap in Estonia is still the widest in the EU, it has slowly decreased over the last years, from 29,9% in 2012 to 21,8% in 2018, according to Eurostat. From January 2019, a three-year research project is being carried out with an aim to decrease the still unexplained part of the

[1] Welfare Development Plan for 2016-2023 available in English: http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/welfare_development_plan_2016-2023.pdf

gender pay gap by clearing up further reasons for it through linking together different existing databases, adding qualitative analysis and using simulation and prognosis models to design evidence-based policy scenarios. The project also creates a low-administrative-cost database for up-to-date data on gender pay gap. Based on the analysis, user-friendly digital awareness-raising features will be developed. The 615 789 EUR project is co-financed from the Regional Development Fund through RITA programme managed by the Estonian Research Council. Research results and policy proposals from this project will also be used when preparing an analysis and further proposals to reduce the gender pay gap, foreseen in the Governments' Action Plan 2019-2023 to be presented to the Government by the Ministry of Social Affairs by February 2022.

According to Statistics Estonia, occupation-based sex segregation of the labour market was 35% and economic activity-based sex segregation 37,9% in 2018. Women often work in professions that are considered important but are not very highly financially rewarded – for example, the social, healthcare, and educational domains. Men are overrepresented in real estate, construction and ICT. The same appears when looking at the vertical segregation, as managerial level is dominated by men.

Therefore, a variety of activities are being implemented with an aim to decrease gender segregation of the labour market and thereby contribute to narrowing the gender pay gap. Concerning horizontal segregation, in 2018-2021, special attention is being paid on increasing the % of women in ICT sector where there is a remarkable labour shortage and the average salary is notably above the general average salary. Different activities are targeting both women and girls and are carried out by the state, private sector and non-governmental organisations.

In November 2019, an 18-month research project "Glass Walls and Ceiling in the Estonian ICT Sector", commissioned by the Ministry of Social Affairs, started. The project is concentrating on developing and piloting nudging measures to increase the share of women among ICT sector students and employees. In the first phase of the project, literature review and qualitative analysis are carried out to cast light on the situation in the ICT sector in education and on the labour market in order to develop nudges. The nudges that could aid in bringing more women to study and work in ICT will be tested in 2020. After testing the nudges, an implementation analysis is carried out before the project ends in May 2021.

This activity is complementing other previous and ongoing initiatives implemented by other stakeholders. For example, in 2018, a two-year programme/information campaign "ICT is everywhere" was initiated by the Ministry of Economic Affairs and Communications. It was directed at young people aged 15-29 years, targeting primarily girls and young women aged 15-19 to inspire them to study IT-related fields. The programme tried to overcome the stereotypes linked with careers in the ICT-sector. A special focus of the campaign was on informing girls on various job opportunities involving ICT in order to encourage them to consider studies or jobs in digital economy. Another aspect of the campaign was to highlight female role models, since their lack is one of the factors why many women do not choose a career in the ICT sector. During the two-year campaign, 50 media events took place in spring and autumn in schools around Estonia and, in cooperation with the non-profit organisation Tech Sisters and various technology companies, 10 separate workshops. For the campaign the ministry partnered with, among others, Idea Group, Estonian Association of Information Technology and Telecommunications, TalTech University, NGO Community Tech Sisters and the educational programme "Enterprising School".

Another project, "Choose IT!" is being carried out together with Estonian IT companies and enables 500 postgraduates to learn a new profession and become software developers. The programme involves a 6-week training course followed by an 8-week internship in a company. While this project is not specifically targeted at women, currently around 62% of the participants are women.

Measures are also implemented to tackle vertical segregation. For example, in 2019-2020, the think tank Praxis is implementing a project "Nudging Women to Power", financed from the European

Commissions` Rights, Equality and Citizenship Programme, with a co-financing from the Ministry of Social Affairs, the National Foundation of Civil Society and the Nordic Council of Ministers. The general objective of the project is to improve women`s access to high-level political decision-making. It aims to increase knowledge, awareness and understanding of the importance of gender equality in public policy making and how the media as well as political organizations can help to empower women in achieving higher positions as well as visibility and credibility in public domains.

Women`s pay and other labour market opportunities are also influenced by work-life balance possibilities, care burden and gender stereotypes influencing related choices. For example, while in 2018 the employment gap among women and men in the age group of 20-49 with at least one child aged less than 3 years was 63 percentage points (W – 32%, M – 95%), among women and men without such young children, the employment gap was 3 percentage points (W – 84%, M – 87%). The labour market participation stabilizes among women and men and is high for both after the right to parental leave ends - the employment rate of women and men aged 20–49 by presence of 3–6-years old child was already 83,5% and 95,6% accordingly.

In order to address these problems, in recent years, Estonia has taken various measures to ease the care burden of women and to provide them with better opportunities for active labour market participation, higher salaries and career-development.

In 2016, a memorandum of the parental leave and benefit system changes was drawn up, based on a Green Paper on family benefits, services and parental leave, submitted to the government in 2015. The main goal of the changes was to encourage more fathers to share the care responsibilities and to provide both women and men with better possibilities for reconciliation of work and family life, especially by increasing flexibility of parental leave system. The government approved the proposals for amendments in the parental leave and benefits system in March 2017. As many of the changes required development of new and extensive IT systems, the legislative changes were adopted in the Parliament in two phases in December 2017 and October 2018 and are implemented gradually in 2018-2022.

Continuous efforts have also been made to increase the availability of adequate, flexible and affordable childcare for young children. The policy proposals of the Green Paper, which focused on early childhood education and care (ECEC) services, prevised to increase the availability of ECEC places and to further the participation of children who are least privileged and/or with special needs. In recent years the Ministry of Social Affairs has supported creating new childcare places with the help of the European Social Fund. Additionally, the Ministry of Finance coordinates building new childcare and kindergarten places. Although in previous decades there has been a lack of childcare places in bigger cities of Estonia, the childcare places created recently have alleviated the situation.

Additional measures taken are e.g. those aimed at increasing the availability of long-term care services to reduce the care burden on informal carers and through that, support the reconciliation of work and care. Following up from the steps taken by previous governments, in June 2019, the newly formed Government agreed that the Ministry of Social Affairs should continue to develop long-term care reform plan. At the beginning of 2020, the Cabinet approved a new state/municipality partnership model for provision of LTC. As a next step, the Ministry of Social Affairs will prepare a legislative intent for LTC legislation by the end of 2020.

Since many victims of THB have experience domestic violence in their life prior to falling into the hands of traffickers, it is highly relevant to provide support also for victims of domestic violence. Estonia has Strategy for Violence Prevention for 2015-2020 which sets goals in violence prevention and victim support. The Strategy lays out concrete activities how to reduce and prevent violence in its various forms, including domestic violence and sexual violence. The development plan foresees a number of actions, including raising individual`s awareness of their rights, regular mapping of nature and scope of violence; development of services for victims and training specialists working with both victims and abusers. Also, concrete steps have been taken to support victims of violence against women. Women`s

shelter service for victims of violence against women is described in the Victim Support Act since 1.01.2017, thus establishing clear requirements for service providers and people directly working with victims. NGOs who are the service providers for women shelters have long-term contracts (3 years, with the possibility to prolong it for 2 years) and with the settled state budget for 1 mln euros for legal, psychological counselling and shelter services. Shelters are in all of the counties (15) in Estonia and all of the shelters are aware of the guidelines of identification and referral of victims.

In addition, since autumn 2016 we are using MARAC (multi-agency risk assessment conferences) in serious cases of domestic violence. We hope to improve cooperation and holistic approach to violence cases. Altogether, these actions should empower victims of gender-based violence and prevent human trafficking.

Vulnerable to THB is also Russian-speaking minority in Estonia. There are wider policies to empower them regarding different spheres of life, but concrete steps have been taken also to prevent THB. All the campaigns and information materials targeting wider audience about THB are translated into Russian. Every year, lectures on THB are organised in Russian schools in Russian language (paid from State budget and arranged by the Ministry of Social Affairs, conducted by NGOs). Anti-trafficking hotline provides support and empowerment in different languages, including Russian.

Regarding newly arrived migrants, several steps have been taken to ensure their social and economic empowerment. There is a policy document *The Strategy of Integration and Social Cohesion in Estonia* ("Integrating Estonia 2020")¹, which defines how integration process should be handled and how to empower migrants to settle in their new home country. State has established Settle in Estonia programme implemented since 2015. The main goal is to support the migration and subsequent integration of newly arrived immigrants by providing them information: 1) on the functioning of the state and society; 2) daily life, working, studying and family matters, and by facilitating the acquisition of Estonian language skills. Welcoming programme is funded by the European Social Fund (ESF), the Asylum, Migration and Integration Fund (AMIF) and the state budget. More information on the Settle in Estonia www.settleinestonia.ee. The programme can be attended only by those migrants who have obtained residence permit in Estonia, however there are discussions to extend the eligibility for migrants arriving to Estonia on the grounds of D-visa as well, as they form the majority of recent migratory trends. There are other support mechanisms available for migrants, including migration advice hotline by the Estonian Police and Border Guard Board, counselling about daily life by the Integration Foundation, one-stop shop International House Tallinn and Tartu, and also the Ministry of the Interior is working empowering relevant municipal entities and other stakeholders on migrant inclusive services.

Beneficiaries of international protection (BIP) can benefit from many of the services designed for other migrants, on top of that specific module has developed for them within the Settle in Programme and is implemented by the International Organization for Migration in Estonia. BiPs also have other targeted services: for instances the Estonian Refugee Council (ERC) facilitates the cultural, social and labour market integration of refugees. ERC provide support person services to refugees helping to settle in and cope within the new culture and environment. The service is co-financed by AMIF and Estonian Ministry of the Interior ERC also engages in public awareness activities relating to refugees and advocacy, and represents refugee interests. The Estonian office of the International Organization for Migration (IOM Estonia) offers adaptation courses to beneficiaries of international protection within the Settle in Estonia programme, co-financed by AMIF and Ministry of Internal Affairs. IOM also provides training and conducts awareness raising activities at large. The Estonian Human Rights Centre (EHRC) is a general human rights NGO that, *inter alia*, focuses on advancing the human rights of asylum-seekers and refugees. EHRC has a partnership agreement with UNHCR relating to legal counselling of asylum-seekers.

Border measures to prevent THB

14. GRETA considers that the Estonian authorities should strengthen their efforts to detect cases of THB in the context of border controls, including through further training of border guards on the identification of victims of THB.

The curriculums "Police officer" and "Police service" of the Estonian Academy of Security Sciences, described in the answer under point 5 of this report, both cover THB and are intended also for professional training of border guards. In addition, FRONTEX have worked out guidance for working with THB cases and this is also available in use in Estonia.

During the period of 2018-2020, altogether 51 Police and Border Guard Board border guard officials have received a training in human trafficking topics, incl the identification of victims of THB. The trainings have been conducted by different stakeholders as Ministry of Social Affairs, Ministry of Justice, Police and Border Guard officials as well CEPOL, EASO and A.L.E.F.A. Names of the courses were – Trafficking in human beings, Preventing trafficking in human beings, Financial Investigations as a Means to Combat Trafficking in Human Beings, Detection and investigation of criminal activities in the area of Trafficking in Human Beings, Trafficking in Human Beings -labour exploitation, Migrant smuggling and trafficking in human beings, Financial Investigation related to Trafficking of Human Beings, Train-the-Trainers Session on Trafficking in Human Beings, Simulation-based training: Combating Human Trafficking along Migration Routes.

The border guard officials have taken part of dedicated workshops, trainings as organised or meetings related to THB phenomenon of the EU Agencies. In addition, every European Border and Coast Guard Official participating at the joint operations in other EU Member States receive operational briefings covering THB related trends, modus operandi etc, which increases knowledge and helps while back in Estonia to more effectively detect cases of THB in the context of border controls. Approximately 200 Estonian officers take yearly part of European Border and Coast Guard Agency`s coordinated operational activities in other EU Member States.

Identification of victims of trafficking in human beings

15. GRETA urges the Estonian authorities to take further steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for under the Convention, and in particular to:

ensure that the formal identification of a person as a victim of human trafficking does not depend on the presence of elements to prove THB or a related offence;

introduce a formalised NRM for the identification of victims of THB for different purposes of exploitation, which defines the roles and responsibilities of all relevant actors, including specialised NGOs, and provide training for its implementation;

adopt harmonised indicators, guidance and toolkits to be used in the identification process, disseminate them to all relevant professionals to ensure that they adopt a proactive approach to detecting and identifying victims of trafficking; the indicators should be regularly updated in order to reflect the changing nature of human trafficking, types of exploitation and any amendments in the relevant legislation and used for training purposes;

enhance the role and capacity of labour inspectors in the detection of THB for labour exploitation in Estonia and improve the identification of victims of THB among foreign nationals;

strengthen the monitoring of recruitment agencies, including by introducing licensing procedures and reviewing the legislative framework for any loopholes;

improve the identification of victims of THB among children by developing an integrated identification mechanism which considers the special circumstances and needs of child victims of THB, involves child specialists and ensures that the best interests of the child are the primary consideration, including refugee and migrant children;¹

improve the identification of victims of trafficking among asylum seekers, migrant workers and irregular migrants.

In order to provide better support for all the victims of violence, including human trafficking victims, The Ministry of Social Affairs decided to create national victim support hotline. Even though the specific

anti-trafficking hotline remains, now there is also general victim support hotline that enables to identify victims seeking for help. The 24/7 operating number is 116 006, it started to work since January 2019, it is free of charge and it is the number used all around Europe for victim support. Counselling takes place in 3 languages: Estonian, Russian, English. Also, one can use the service via chat and e-mail (new website palunabi.ee). This new service is funded from the State budget and organized by the Social Insurance Board.

For trafficking victims shelter works also on the rule of 24/7, offered by the NGO Lifeline under the public tendering from Social Insurance Board. Services to THB victims are arranged by the state organisation Estonian Social Insurance Board and financed by the State. State budget foresees specific funding for these services. The amount per year per services is 132400 euro per year and it has been sufficient budget so far. In addition to that, there are medical help and translation costs. Most services are provided by NGO Eluliin and NGO SOS Children's Village. Health services are provided by Medicum (medical facility). Social Insurance Boards has contracts with these organizations. Service providers have been stable partners over the years and cooperation is well established, in recent years cooperation is made more with international organisations and from Estonia also with IOM Tallinn, because they offer possibilities for third-country nationals for returning to home country and also supporting their living conditions.

Since 2019 Social Insurance Department provide Human Trafficking Prevention and Victims Counseling Line +372 6607 320 service, which includes advice for people going/coming abroad to work, study etc; consequences of illegal employment, how to avoid becoming a victim of human trafficking contacts and assistance in communication with organizations who provide the help or consultations for victims finding help for victims of trafficking through existing services. Counselling is provided through phone but also face-to-face. In year 2019 consultation was provided to 679 clients (approx 80% of the clients were third country nationals from – Ukraine, Belarussia, Russia, Moldova, Latvia, Kazakhstan, Tadžikistan, Azerbaidžaan, Uzbekistan. 2020 Jan-Oct (506 clients). Information about services for human trafficking victims are available: <https://www.sotsiaalkindlustusamet.ee/et/inimkaubanduse-ennetamise-nouandeliin>, <https://www.palunabi.ee/ohvriabist/inimkaubandus/>, <https://www.facebook.com/inimkaubandus/>. Good cooperation about labour exploitation cases with Labour Inspectorate, Police and Boarder Guard Board Migration Surveillance, Organization for Migration (IOM) is established.

In addition to counselling and hotline service Social Insurance Board has a special post for dealing with issues of the persons of international protection.

The state is also providing services to those involved in prostitution. Contracts have been concluded with an NGO that provides counselling and post-rehabilitation services. Centres have been opened to those involved in prostitution, where it is possible to receive counselling services (social counselling, psychological counselling, legal counselling, support person service, experiential counselling, and career counselling) as well as resources necessary to prevent the spread of sexually transmitted diseases and be able to access a health check-up. The purpose of the service is to contribute to the independent coping of clients and thus to an exit from prostitution. An important part of the counselling process is also the prevention of human trafficking and the detection of human trafficking victims. As this same NGO also provides services to victims of human trafficking, employees have the necessary skills to notice signs of human trafficking and a smooth transition and assistance in transferring from the provision of one service to another is ensured. Centres for those involved in prostitution are located in 3 Estonian regions, those regions being the counties of Harju, Tartu and Ida-Viru.

Amendments to Labour Market Services and Benefits Act, what regulates the requirements to private recruitment agencies and temporary work agencies entered into force 20.01.2019. The amendments specify the requirements to private service providers, especially the prohibition of charging a fee from a job seeker. It clarifies the definition of job mediation service with the aim to avoid the situation where an agency argues that a fee was asked from a jobseeker for other services not for job mediation. The act now also explicitly states that agency shall not charge a fee from an employee for sending the employee for temporary agency work. Monitoring and surveillance of recruitment agencies was also

strengthened by allocating this task to Estonian Labour Inspectorate - a body responsible for surveillance and monitoring over employment relations and health and safety at work.

To help people, the Labour Inspectorate has set up a free legal counselling service, which in addition to local employees also allows foreign employees to turn to it with problems related to their employment (e.g. non-payment of salary, wages below the minimum wage) or to receive information on working conditions for foreign workers. The service can be contacted by e-mail in Estonian, English and Russian. The Labour Inspectorate also has an information line where information on labour relations and the working environment can be obtained in Estonian, Russian and English. During inspection, the inspectors have opportunity to distribute both to the employers and the employees an information leaflet "Working in Estonia as a foreigner" ("Välismaalase töötamine Eestis") which contains information in Estonian, English and Russian, but also contacts of authorities from whom they can ask for help and advice. The Labour Inspectorate has created a separate "Foreign Worker" section on its website. The section is constantly and continuously updated. The information is available in Estonian <https://www.ti.ee/et>, Russian <https://www.ti.ee/ru/komandirovannye-rabotniki-i-arendnye-rabotniki-0> and English <https://www.ti.ee/en/organisation-contacts/the-labour-inspectorate/posted-workers/>.

Assistance to victims

16. GRETA considers that the Estonian authorities should strengthen their efforts to provide assistance to victims of trafficking, and in particular to:

ensure that assistance is provided for as long as necessary to presumed and formally identified victims of trafficking and is not discontinued after 60 days if the presumed victim is not formally identified in criminal proceedings or if no such proceedings are initiated;

ensure that all assistance measures provided for in law are guaranteed in practice, including by respecting the State's obligation to provide adequate financing and to guarantee the services when assistance is delegated to NGOs or other non-state actors as service providers;

provide gender-sensitive support services, including safe accommodation with a sufficient number of places, and ensure that the services available are adapted to the specific needs of trafficking victims;

facilitate the reintegration of victims of trafficking into society and prevent re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market.

Services are arranged by the state organisation Estonian Social Insurance Board and financed by the State. State budget foresees specific funding for these services. Services for human trafficking victims (identified and also presumed) are described in Victim Support Act. To provide services for human trafficking victims, Social Insurance Board has procurement system to find service providers and to conclude contracts. Most such services are contracted now from NGO Eluliin. Social Insurance Board has 2-year contracts with the NGO. 2019, 2020 two-year contract amount is 168 000 euros. As Estonia had more victims than predicted coming from the third countries in 2019, then Social Insurance Board increased the contract budget to provide help to all the victims who were directed to get the service. At the beginning of 2019 the budget foreseen for services was 125 000 euros.

Services that the NGO is providing: 1) safe accommodation (24//) with food, plus necessary material assistance; 2) counselling services: social counseling, psychological counseling, legal counseling (also representation in court), 3) support person service. Vocational training and access to the labour market is part of the counselling service and cooperation with Unemployment Fund is essential. Extra to these services Social Insurance Board finances medical help and translation, if needed.

Since 2017 we have Barnahus in Estonia (see more in point 17), so that children suspected of sexual abuse benefit psychological assistance during 60 days if criminal proceedings are not initiated. If a child needs to pursue the therapy, the local authorities, in most cases, will take over the funding of the service. The child protection specialists of local authorities co-operate actively with Barnahus regarding cases of child abuse.

17. Further, GRETA urges the Estonian authorities to take steps to improve the specific assistance for child victims of trafficking, taking into account the best interests of the child, to ensure effective access to guardianship and to train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs.

For helping children who have been victims of sexual exploitation we have Children House (Barnahus) service. The Barnahus (Children's House) model is a child-friendly and multi-disciplinary service that we provide in order to help sexually abused children or children suspected of being sexually abused. Children's houses are located in Tallinn and Tartu and since 2020 also in Jõhvi. The first children's house was opened in Tallinn on 2 January 2017. More info here: <https://www.sotsiaalkindlustusamet.ee/en/family-and-child-protection/childrens-house>.

Implementing and developing the Barnahus model in Estonia has improved the co-operation of various professionals working with child victims as well as the prevention work and raising awareness of child abuse in Estonia. Also, trainings and workshops for specific target groups (trainers, teachers, social workers etc.) regarding the prevention of child abuse have been organized by the professionals working

in Barnahus. Professionals working in Barnahus have all been trained how to interview children, including children with special needs.

In addition to that during COVID19 times special lectures about sexual exploitation and also trafficking have been implemented by the specialists for school children in Estonia:

- [Kelle nägu on seksuaalvägivald Eestis? Kai Part](#) (23 min)
- [Kuidas ära tunda kohtinguvägivalda? Tiivi Pihla](#) (22 min)
- [Millised on minu võimalused vältida seksuaalset väärkohtlemist? Anna Frank-Viron](#) (22 min)
- [Millised on minu võimalused vältida ebameeldivaid seksuaalkogemusi? Kai Hallik](#) (23 min)
- [Как я могу избежать неприятного сексуального опыта?, Lilia Tkáč](#) (25 min)
- Sexual violence crisis centre video: [kriisiabikeskusi tutvustavat videot.](#)
- [Miks puudutab inimkaubandus mind?](#) Sirle Blumberg (20min), in Russian
- [Miks puudutab inimkaubandus mind?](#) Sirle Blumberg (20min), in Estonian

Code of Criminal Procedure § 70 states the special conditions for hearings of the children and we have active police officers in police prefectures who are trained under these regulations and use them in their everyday practice. Trained police officers are carrying out investigations of sexual crimes committed against children, also any other exploitation cases committed against children.

For some years there are also centres for victims of sexual violence, they are situated in the bigger hospitals all over Estonia (together 4) and they offer medical help, counselling and also it is possible to collect evidence for the investigations of sexual violence. More information about the centres: <https://www.palunabi.ee/ohvriabist/seksuaalvagivalla-kriisiabikeskused>.

The police employ the VID process, which means that an attempt is made to identify any Estonian child, child staying / living in Estonia, who has been a victim of any crime. When appropriate, there is co-operation with EUROPOL and INTERPOL to this end¹. The investigation of international cases has been evaluated by GENVAL; in March 2015, Estonia has hosted the EC GENVAL *7th round of mutual evaluations*² in the area of cybercrime, incl. sexual crimes against children. Point 5 of the evaluation questionnaire included: victim identification capacity, Interpol's ICSE DB capability usage, participation in international operations, measures to prevent child sex tourism (Directive 2011/93/EU Art. 21)³.

Additionally, under Article 39 of the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse⁴, parties to the convention shall co-operate to the fullest extent possible in accordance with this Convention, through the application of relevant international and regional law and procedures agreed upon under uniform or reciprocal laws and procedures, to: (a) prevent sexual exploitation and sexual abuse and to combat it (b) protect and assist victims; (c) investigate and prosecute offences established in accordance with this Convention.

The Minister of the Interior of the Republic of Estonia has signed the document „*Global Alliance against Child Sexual Abuse Online*“, wherein action point 1 is: *Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection.*⁵

Recovery and reflection period

18. GRETA urges the Estonian authorities to review the legislation with a view to ensuring that the recovery and reflection period is defined in law as provided for in Article 13 of the Convention and that all presumed victims of trafficking are offered and effectively granted such a period with all the measures of assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention.

In 2020 it was agreed between stakeholders dealing with THB cases, that special procedure will be described about giving the reflection period and residence permit in THB cases for foreigners and the issue will be looked at as well in the process of preparing a new Victim Support Act. As the decisions have to be made by prosecutor's office, then rules of procedure need to be set for prosecutors about the notification of the service providers of the decision of the prosecutor as well as the confirmation about the decision of giving either the reflection period or residence permit.

Residence permits

19. GRETA considers that the Estonian authorities should take steps to ensure that victims of THB can fully benefit from the right to obtain a renewable residence permit, including owing to their personal situation, without prejudice to the right to seek and enjoy asylum.

See point 18.

Compensation and legal redress

20. GRETA urges the Estonian authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking and in particular to:

ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;

enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid, by building the capacity of legal practitioners to support victims to claim compensation and by including the issue of victim compensation in training programmes for lawyers, law enforcement officials, prosecution and the judiciary;

examine the reasons for the lack of applications for state compensation from victims of THB and ensure that victims are informed of the possibility to apply for state compensation and are effectively enabled to receive it.

The right to compensation is enshrined in the Constitution of Estonia, Article 25 of which states that everyone is entitled to compensation for intangible and tangible harm that he or she has suffered because of the unlawful actions of another person. Estonian legislation provides for three ways of claiming compensation: through civil action in criminal proceedings; through civil proceedings; and by applying for state compensation, pursuant to the Victim Support Act.

In Estonia, victims are systematically informed in a language they understand. Victim Support Act states the conditions of all the support provided, including compensation. The State institution Social Insurance Board is responsible for providing support for THB victims. According to the Criminal Proceedings Act, prosecutors and investigators are obliged to introduce victim support services and compensation to all the victims of crime. This obligation is stated also in the Victim Support Act.

Estonia has its compensation system to victim of violent crimes (VSA Chapter 3). Compensation shall be paid to victims of crimes of violence committed in the territory of the Republic of Estonia and to their dependants. Likewise, the person who bears the expenses relating to the medical treatment or funeral of a victim has the right to be compensated for the expenses pursuant to the Victim Support Act. The following persons are entitled to compensation:

- Estonian citizens;
- persons residing in Estonia on the basis of a residence permit of a long-term resident, a temporary residence permit or the right of residence;
- citizens of the European Union;
- citizens of a state which is a party to the European Convention on Compensation of Victims of Violent Crimes;
- persons enjoying international protection staying in Estonia.

Under the Victim's Assistance Act, 80% of the material damage is indemnified, but no more than 9590 euros total for one victim and all of his or her dependents. The prerequisite for applying for the benefits

is that a criminal case must be opened, and victim must contact the Social Insurance Board (regional client service or victim support specialist) to apply for compensation.

An alien is entitled to receive compensation under the conditions provided if he or she is a victim of trafficking in human beings or sexually abused minor, regardless of whether he or she has a legal basis for stay in the Republic of Estonia (VSA, § 9).

21. GRETA invites the Estonian authorities to develop a system for recording compensation claims of and awards to victims of trafficking and to consider using assets confiscated from perpetrators for paying compensation to victims of THB.

Proposal to establish a fund for victims using assets confiscated from perpetrators for paying compensation to victims of THB was presented in the government in spring 2020 and the decision was to proceed with further discussions in the process of agreeing on the next years state budget.

Repatriation and return of victims

22. GRETA considers that the Estonian authorities should take additional steps to:

ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing return programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;

develop international co-operation in order to ensure pre-return risk assessment, safe return and reintegration of victims of THB;

ensure compliance with the non-refoulement obligation under Article 40, paragraph 4, of the Convention.

IOM Estonia within its Assisted Voluntary Return and Reintegration programme co-funded by the AMIF and Estonian Ministry of the Interior is able to support the return of VOTs and potential VOTs. So far, the experience with (potential) VoTs has been limited to Russian Federation and Ukraine. The VOTs are referred to IOM either by the Estonian Police and Border Guard Board or the NGO Eluliin. The prior return risk assessment is carried out by IOM in Estonia and by the IOM mission in the country of return if deemed relevant. All services and support provided by IOM rely on the voluntariness, informed decision and beneficiaries will to cooperate. If these elements are met IOM can refer the potential (VOT) for additional support after the return either via resources available within the country of origin.

23. Further, GRETA urges the Estonian authorities to introduce pre-return risk and security assessment procedures by specialised bodies prior to returning unaccompanied and separated migrant children, to ensure that the best interests of the child are effectively respected, protected and fulfilled, in co-operation with relevant partners in countries of return.

Currently the assessment is carried out on a case-by-case bases. Meetings with relevant local partners (including Barnahus) have been organized to discuss the security assessment procedures of unaccompanied migrant children in Estonia. We consider Barnahus as a safe and a child-friendly place to offer various services (including assessment) also to unaccompanied and separated migrant children. Currently, Estonia has three Barnahus´ s, in the Northern, Southern and Eastern region of Estonia.

Substantive criminal law

24. GRETA considers that the Estonian authorities should conduct a comprehensive assessment of the criminal law provisions related to THB which are currently contained in several articles (in particular Article 133, Article 1331, Article 1381, Article 175) with a view to clarifying the differences and avoiding overlaps which risk creating legal uncertainty and inconsistent application.

Comprehensive assessment is not yet done, but will be discussed in the context of the future years work plan.

Non-punishment of victims of trafficking in human beings

25. GRETA urges the Estonian authorities to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the scope of the non-punishment provision. While the identification procedure is on-going, presumed victims of trafficking should not be punished for their involvement in unlawful activities, to the extent that they have been compelled to do so.

As stated previously, then Estonian legislation does not contain a specific provision allowing for not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so. Article 29 of the CC ("necessity") which states that an act is not unlawful if the person commits it in order to avert a direct or immediate danger to the legal rights of the person or of another person, and if the means chosen by the person are necessary for the aversion of the danger and the interest protected is evidently of higher importance than the interest subject to damage.

Further, Article 202 of the CPC ("termination of criminal proceedings in case of lack of public interest in proceedings and negligible guilt") provides for a possibility to terminate criminal proceedings if their object is a criminal offence in the second degree and the guilt of the person suspected or accused of the offence is negligible, and the person has remedied or has commenced to remedy the damage caused by the offence, or has paid the expenses relating to the criminal proceedings, or assumed the obligation to pay such expenses, and there is no public interest in the continuation of the criminal proceedings. In such circumstances, the Prosecutor's Office may request the court to terminate the criminal proceedings, with the consent of the suspect or accused.

Article 205 of the CPC ("termination of criminal proceedings in connection with assistance received from person upon ascertaining facts relating to subject of proof") which allows the Prosecutor's Office to terminate criminal proceedings if the suspect or accused has significantly facilitated the ascertaining of facts relating to proof of a criminal offence, which is important from the point of view of public interest in the proceedings and if, without such assistance, detection of the criminal offence and taking of evidence would have been precluded or especially complicated.

In some cases, Penal Code § 57 mitigating circumstances could apply, namely § 57 (1) p 5: commission of the offence under threat or duress, or due to service, financial or family-related dependent relationship.

Investigation, prosecution and procedural law

26. GRETA urges the Estonian authorities to strengthen their efforts to ensure that THB offences for the purposes of different types of exploitation are proactively investigated and prosecuted. In this context, the Estonian authorities should:

identify gaps in the investigation and prosecution of THB cases, including by reviewing the existing legal provisions and court rulings on THB and related offences;

develop the training and specialisation of investigators, prosecutors and judges to deal with THB cases;

provide law enforcement agencies with the necessary resources and tools to detect and investigate THB cases, including by making use of special investigation techniques;

The prosecutor's office and the courts have moved towards specialization in recent years, for now more in crimes committed against and by minors. Training, round tables, common practice agreements and the sharing of good practices are the methods by which to ensure uniform procedure and treatment. The difference is in the areas where the police themselves have the appropriate units (children, economy, etc.) and in those where the proceedings are handled akin to the proceedings of the prosecutors, larger areas allow for more specialization. Trafficking in human beings and related crimes

(§ 133 - 133³ of the Penal Code) are mainly processed in the Northern Region, while proceedings related to minors (§ 175 of the Penal Code) are processed all over Estonia.

Victims' non-proprietary claims should be a natural part of human trafficking proceedings, as could the confiscation of criminal assets, the calculation of proceeds of crime, it should also be noted that such claims have emerged in recent years in co-operation with victim support organizations.

Labour exploitation cases are virtually not addressed in criminal proceedings today. Criminal proceedings have been initiated mostly in cases that could rather be qualified as fraud in criminal proceedings, but there are potentially suspicious cases that reach the human trafficking hotline and that the Labour Inspectorate processes. For example, workers brought from Ukraine are largely dependent on the employment agency or lessor, either in terms of administration (lack of skills, knowledge, opportunities), provision of accommodation (employer provides both employment and accommodation) and wage instability.

The usual work practice in police and the prosecutor's office is to work with court decisions and on the basis of those to make proposals for amending legal norms if the need should arise. The latest change to § 133 of the Penal Code was based on such practice and it was adopted as an amendment on 19 March 2019.

Protection of victims and witnesses

27. GRETA urges the Estonian authorities to review the legislation in order to provide all protection measures envisaged under CPC to all child victims of trafficking and to ensure their application in practice.

The victim has been at the forefront of the proceedings for at least the last few years. The prosecutor's office has developed the best practice agreements for victims in 2019; the dignified treatment of victims is one of the four strategic objectives of the prosecutor's office, emphasizing the reduction of harm and suffering caused by the crime by treating victims with dignity and promoting their interests.

Agreements have additionally been updated on the guide to identifying and referring victims of human trafficking, which unequivocally guides authorities to deal with victims of human trafficking as to ensure that the best interests of the child are paramount in all actions involving children. From 2018, a reminder of child-friendly proceedings has been available as a separate guide of the prosecutor's office.

During the years 2016 and 2017, several amendments to the Code of Criminal Procedure took effect, the aim of which is to ensure better protection of victims' rights in criminal proceedings by strengthening the procedural positions of the victims and creating a clear and unambiguous regulation for processing claims due to crime. The results of these amendments being implemented can be seen in today's proceedings.

As previously highlighted, the special treatment procedure for victims of sexual violence has been developed in recent years in co-operation with hospitals, they also offer strong assistance in the relevant criminal proceedings.

Children, parents, professionals working with children are still able to receive assistance from the child helpline 116111, which provides services 24/7.

Estonia enables all the protection measures provided for in the Convention to all victims of HT and implements these measures in practice as well.

28. GRETA considers that the authorities should make full use of the available measures to protect victims, and to prevent intimidation during the investigation and during and after the court proceedings.

Special measures are stated in the Code of Criminal Procedure and are in the daily use by the specialists encountering THB victims during the investigation and during and after the court proceedings.

Namely, Code of Criminal Procedure states as follows:

§ 37-2. Assessment of individual protection needs of victim who is natural person

(1) The body conducting proceedings is obligated to assess whether any circumstances exist which give reason to believe that the victim who is a natural person requires special treatment and protection in criminal proceedings.

(2) The assessment shall take into consideration the victim's personal characteristics, the gravity and nature of the criminal offence, the personality of the suspect, the circumstances relating to the commission of the criminal offence and the damage caused to the victim. A victim who is a minor is presumed to need special treatment and protection in criminal proceedings.

(3) As a result of the assessment, a decision shall be made concerning which of the opportunities provided in this Code to use to ensure the safety of the victim and whether the questioning of with the victim should be conducted on premises adapted for the special needs of the victim, or by, or with the participation of, a specialist trained for questioning victims with special protection needs or, if possible, by the same person throughout the proceedings.

[RT I, 06.01.2016, 5 - entry into force 16.01.2016]

§ 691. Deposition of testimony

(1) The Prosecutor's Office, suspect or counsel may request hearing, before a preliminary investigation judge, of a person who is a witness in criminal proceedings, if the object of criminal proceedings is an intentional criminal offence for which at least up to three years' imprisonment is prescribed as punishment.

(2) A court shall grant the request if circumstances arise which enable to conclude that later hearing of a witness in judicial hearing of a criminal matter may be impossible or the witness may be influenced to give false testimony. The court shall formalise denial of the request by a reasoned order which can be contested by way of an appeal against the court order.

(3) The court shall resolve the request for deposition of testimony within five days as of the receipt thereof and if the request is granted shall determine, at the earliest opportunity, the time of hearing and notify the Prosecutor's Office and the counsel immediately thereof.

(4) The prosecutor, counsel, suspect and witness shall be summoned to the hearing before a preliminary investigation judge. A suspect shall not be summoned to hearing at the request of a witness or the prosecutor if the presence of the suspect at the hearing poses a threat to the safety of the witness. Summoning of persons to deposition of testimony shall be arranged by the participant in proceedings who requests the hearing. A counsel may request the assistance of a preliminary investigation judge for summoning a person to the extent provided for in subsections 1631 (4) and (5) of this Code.

(5) Failure of a suspect who has received his or her summons to appear does not hinder the hearing. No hearing shall be conducted if a prosecutor or counsel who has received his or her summons does not appear for good reason and has given a prior notice thereof to the court. If the participant in proceedings who requested the hearing fails to appear for hearing or the person whose hearing is requested by a judge is not taken to the judge, no hearing shall be conducted before the preliminary investigation judge.

(6) The provisions of §§ 155-158 and 287-291 of this Code shall apply to hearing and taking of minutes thereof. [RT I, 23.02.2011, 1 - entry into force 01.09.2011]