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Group of Experts on Action
against Trafficking in Human Beings

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**Questionnaire for the evaluation
of the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings by the parties**

Second evaluation round

Adopted by the Group of Experts on Action against
Trafficking in Human Beings (GRETA) on 6 May 2014

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Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

Trends and numbers in the area on the period of 2018-2021 are similar to the last report. Most of the registered THB crimes over the last years are still linked to sexual exploitation, but the number of labour exploitation cases are slowly increasing. We also notice, that cases leading to THB and influencing juveniles constitute a majority of the THB related crimes (Penal Code § 175). The number of the THB crimes in registered crime statistics remains small (around 10 cases per year). The anti-trafficking policy in Estonia is recognised in the highest level of the government and well coordinated among stakeholders – the prioritisation of the topic is also well reflected in the specific strategic high-level strategic documents, such as:

- [The Estonian Criminal Policy Guidelines until 2030](#), adopted in 2020 (available also in English);



In English.docx

- [The anti-crime priorities of the government](#), renewed in 2021
- [The Estonian Internal Security Strategy](#), adopted in 2021 (available only in Estonian);
- [Violence Prevention Agreement](#) for the years of 2021-2025, adopted in 2021;
- Estonian authorities systematically develop multi-level information exchange, the coordination and cooperation of all related stakeholders, including NGOs and victim support. Related practitioners (police, prosecutors, victim support, IOM, NGOs, ministries etc) are being part of the common network, coordinated by the Ministry of Justice under the framework of the THB national network – THB roundtable. Information exchange, updates about ongoing work, discussions on priorities and common goals, impact assessments incl. legal aspects are part of the regular working flow. Our practitioners participating in THB-related international formats (UN, OSCE, EN, EC) on regular basis. We are part of THB-related EU fora and information exchange (incl., Interpol, Europol, Eurojust etc).

Compared to the previous report, the stakeholders have been indicated several changes related to the main subject (THB):

- Instead of being a country of origin or a transit country, Estonia has become within last four years also one of the destination countries. One of the risk factors is that there is an increasing number of third country nationals being interested in working in Estonia. But there is also a growth among the third country nationals being involved in prostitution. There are numerous pimping cases related to third country nationals and other nationals. There is also a tendency of shady labour relations, where rental workforce is abused or where employers doesn't provide required working conditions or salary or break the agreements, but which hasn't reached to criminal investigation.
- As trafficking related crimes taking place in Estonia are more related to foreigners than earlier, then international combating of this phenomenon, the Europol risk assessments to organised crime, incl. to trafficking in human beings is a tool also for Estonian investigators to consider international background and purposes of THB crime.
- Registration of short-term employment is in increase. In 2021, the number of short-term employment registrations has been increased to the level similar to 2019, with a total number of 32 927 registrations. Thus, in 2021 we have achieved a growth by 49% compared to 2020. The top 5 citizenships in 2021 of registered short-term personnel were: Ukrainians (23 570), Belarusians (1855), Russians (1801), Moldovans (1586) and Uzbeks (1187). Mostly due to the Covid-19 travel restrictions the number of registrations of short-term employment in Estonia in

2020 decreased by 31% compared to 2019. Out of all registrations of short-term employment 83% were men and 17% were women.

There is a state coordinated THB-related hotline since 2019, before 2019 hotline was managed by NGO Living For Tomorrow. Since 2020 there is a special e-mail address as well inimkaubandus@sotsiaalkindlustusamet.ee for the information exchange with clients, but however, most of the calls are related with suspicions of labour exploitation and mostly the investigations of them further have led to the labour disputes not the THB cases.

Just recently, in April 2022 Police and Border Guard Board created public e-mail thb.info@politsei.ee in order to give possibility to all the state level and also partners of businesses and NGOs to turn with the suspicions of information on THB crimes. All of these changes are made in order to offer more possibilities to possible victims also to contact state authorities themselves.

As there are a lot of foreigners working in labour market, the Estonian Labour Inspectorate have been noticed a growth of problematic legal disputes related to labour issues in construction sector (+21%), the transport and storage sector (+14%) and also the accommodation and catering (+13%). According to the Labour Inspectorate the third country nationals may easily become targets for local facilitators, mostly with the same origin background.

However, the state authorities and local governments have prioritised public awareness on labour market rules, esp. for third countries nationals, involved stakeholders, employees' rights. The support and advisory are provided by the Labour Inspectorate and by anti-trafficking hotline within the Social Insurance Board.

In order to reduce the risk of THB (prevention of labour exploitation) which has increased with Ukrainian refugees arriving in Estonia, the state as one of the tools has granted approval to increase the resources of the Labour Inspectorate. Due to the increased workload of the Labour Inspectorate caused by the need to further protect vulnerable people (including Ukrainian war refugees) added to the labour market and to ensure the protection of their labour rights on the labour market, there is a need to employ an additional 10 labour inspectors and 5 counselling lawyers.

The Labour Inspectorate's need to increase resources also arises from the need to continue to ensure effective and systematic state supervision and support counselling as a preventive measure for people who have been added to the Estonian labour market and their employers. The additional needs are calculated on the basis of the criteria of the International Labor Organisation (ILO) for the effective operation of labor inspectors. In order to prevent problems related to employment relations and the working environment, it is planned to employ additional counselling lawyers, whose main focus would be to provide explanations for people from Ukraine.

As trafficking for sexual exploitation is a heavy latent crime in Estonia, the police monitors the environment to detect favourable soil for prostitution-related THB phenomenon. The police put a lot of efforts to investigate prostitution paying special attention to *modus operandi* (either they work alone or they are engaged through pimps, and in this case, the human exploitation is more frequent). Police pay special attention to raise awareness of persons potentially engaged in prostitution to avoid the exploitation, to minimize risks of physical violence, robberies, money laundering and also becoming victims of crime. Information on victim support is also provided. In addition, police pay special attention to the trainings on THB case management to all police officers in all levels. THB trainings are part of the ordinary police education, provided by the Estonian Academy of Security Sciences. It is also a part of additional trainings, regularly provided for the police officers at work in order to prevent, to notify and to stop the THB, to help the victim, to investigate the case and to send the offenders to the court.

Recent investigations of the sexual exploitation and pimping cases show a trend of engaging women from third countries, and transsexuals with Latin-American origin and with residence permits of Spain, Portugal and Italy. Quite often they are not pimped and organize their activities themselves by paying to local "assistants", who organize their communication with interested sex buyers.

Foreigners engaged in prostitution are travelling all over the Europe and staying in one country relevantly short period of time. Each time they use an assistance of local compatriots who provide needed contacts. Mainly Whatsapp and Telegram are used for the communication and Monegram for transactions. Therefore, the fight against these crimes is possible through international cooperation inside and outside of the EU. Regular monitoring of the situation related to prostitution/information available about sex trade in online/offline channels is the relevant work method for the police.

In order to provide better support for all the victims of human trafficking, all the services meant to THB victims since 2019 are coordinated and centrally organized and financed by the state organisation Estonian Social Insurance Board.

- any changes in your country's laws and regulations relevant to action against THB;
In 2019 the Penal Code ¹ was changed in the Sections 133, 175 so that since 19.03.2019 crimes can take place with the economic gain purpose or without it and also it is stated now in the Penal Code, that when the person who has been committing these crimes earlier, will not be entirely released from the prison sentence.

Changes for the Sections 133 and 175 are following:

Penal Code § 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]

(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]

Penal Code § 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]

(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]

The same sentencing change which is brought above applies also for the pimping crime (Penal Code § 133²) as such:

(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, 133³ or 175 of this Code, the sentence imposed shall not be suspended in full.

¹ Penal Code in English: <https://www.riigiteataja.ee/en/eli/ee/529042022005/consolide/current>.

[RT I, 19.03.2019, 3 – entry into force 01.07.2019].

In 2021 changes to Penal Code were made regards age of sexual content, which was changed from 14 to 16 and changes are planned to enter into force from June 2022². Legislative changes are at the moment in the Parliament discussions³.

In 2019, subsection 9 (1) of the Occupational Health and Safety Act entered into force, which established what a psychosocial hazard is, and if a psychosocial hazard occurs in the working environment, the employer is obliged to provide and implement appropriate measures to prevent health damage. This amendment aims, among other things, to mitigate the risks of preventing occupational exploitation, thereby improving the working environment.

2018 saw the entry into force of the new Labour Dispute Resolution Act. The scope of the Labour Dispute Resolution Act also includes, for example, the labour dispute between a posted worker and their employer arising from section 7 of the Working Conditions of Employees Posted to Estonia Act (individual labour dispute). In 2020, the scope was also extended, so the following was added: The Labour Dispute Resolution Act applies to a labour dispute arising from the employment relationship between an employee and an employer registered in Estonia, operating in Estonia via a branch, or registered as a non-resident employer. and from the preparation of the employment relationship (individual labour dispute).

The Working Conditions of Employees Posted to Estonia Act entered into force in 2004, but it is important to point out that since then, several significant amendments to the Act have been made:

- Amendments to the Working Conditions of Employees Posted to Estonia Act transpose into Estonian law Directive (EU) 2020/1057 of the European Parliament and of the Council laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, pp. 49–65) (hereinafter Directive 2020/1057). The aim of Directive 2020/1057 is to ensure decent working conditions and social protection for drivers and conditions of fair competition for road transport operators. Given the high mobility of the labour force in the road transport sector, sector-specific rules are needed to ensure a balance between the freedom to provide cross-border services for road hauliers, the free movement of goods, and decent working conditions and social protection for drivers. In addition, the Directive aims to ensure the correct application of Directives 96/71/EC and 2014/67/EU of the European Parliament and of the Council, strengthening controls at the Union level and cooperation to prevent fraud involving the posting of drivers;
- Penalty rates have increased;
- Specification of the concept of the employer in the view of the Labour Inspectorate to specify the persons subject to proceedings.

Amendments to Labour Market Services and Benefits Act, that 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 services 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 the 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 the Estonian Labour Inspectorate - a body responsible for surveillance and monitoring over employment relations and health and safety at work.

² News item from ERR: <https://news.err.ee/1608391448/estonia-greenlights-raising-age-of-sexual-consent-to-16-from-june-2022>.

³ State of play of the legislative act in Parliament: [https://www.riigikogu.ee/tegevus/eelnoud/eelnou/0f69b549-adb9-4c68-8e21-60c51aa02912/Karistusseadustiku%20ja%20perekonnaseaduse%20muutmise%20seadus%20\(seksuaalse%20%20ene sem%C3%A4%C3%A4ramise%20ja%20abiellumise%20eapiiri%20muutmise\)](https://www.riigikogu.ee/tegevus/eelnoud/eelnou/0f69b549-adb9-4c68-8e21-60c51aa02912/Karistusseadustiku%20ja%20perekonnaseaduse%20muutmise%20seadus%20(seksuaalse%20%20ene sem%C3%A4%C3%A4ramise%20ja%20abiellumise%20eapiiri%20muutmise)).

Estonia is in a process of drafting a new Victim Support Act. The purpose is to ensure requirements for service providers, to describe all services provided through victim support to victims of various crimes, to expand the target groups of psychological assistance and to simplify the procedures for compensation to crime victims. The law introduces for the first time the principles of treatment of victims, the educational requirements of specialists working with victims, specifies, among other things, the principles of providing services to victims of human trafficking and supplements the list of services. The law should come into force in 2023. The new law is being drafted in close cooperation with service providers and relevant state organizations, including prosecutor's office, police, ministries etc.

In 2021 amendments to the Child protection Act were prepared, regulating the operation and tasks of the Barnahus service (children's houses) in Estonia. The children's houses work with victims of sexual abuse and provide services also to child victims of trafficking in case they have been sexually abused or exploited. These amendments are currently in the Parliament discussions.⁴ For more information on Barnahus in Estonia, see answers to Q5 below.

In order to prevent illegal working the following main amendment were made in Aliens Act in 2020: In June 2020, amendments⁵ were made to the Alien's Act, Income Tax Act and Taxation Act providing that the lawfulness of the employment of a foreigner is the responsibility of the company in Estonia that gains actual benefit from the foreigner's work, e.g. a company using temporary agency staff. Upon violating the requirements for employment in Estonia and paying a salary lower than prescribed or failing to pay a salary, tax obligations to the Estonian state are also not fulfilled.⁶

On 17th June 2020, the amendments were made to the Working Conditions of Employees Posted to Estonia Act, which changed the working conditions of posted workers. Amendment clarified the procedure for the posting of posted temporary agency workers. The law also changed the working conditions that must be ensured for a posted worker during their stay in Estonia. As amended, instead of a minimum wage, wages must be guaranteed and posted workers must be reimbursed for the expenses related to the posting. According to amendment also long-term posting was regulated, allowing the posted worker to stay in Estonia for up to a year. The amendments also add an obligation to the employer to keep the data of workers posted to Estonia up to date and notify the Labour Inspectorate of any changes, i.e. the submitted data must correspond to the actual situation.⁷

The area is more indirectly affected by the approval of the draft of the so-called whistleblowers' act, as it affects the disclosure of possible occupational violations, which may also be related to cases of exploitation. The main objective of the draft act on the protection of whistleblowers is to respond as quickly and effectively as possible to unlawful activities and offences and thereby ensure the functioning of the legal order and the protection of public interests. The bill was approved by the Government in December 2021 and the bill is pending before the Parliament. The first reading has been completed: <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/be649d11-1eb9-40c2-820b-14391f119fac/Rikkumisest%20teavitaja%20kaitse%20seadus>.

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

⁴ For more information on the amendments discussed in Parliament, see: <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/0bb6d4b8-eab6-4d35-af70-0d974ec690b5/Sotsiaalhoolekande%20seaduse%20ja%20teiste%20seaduste%20muutmise%20seadus>

⁵ Aliens Act Articles 106 (19), 268 (1¹), 286 (6), 293 (6), 296², 306¹; Income Tax Act Articles 13 (1), 13 (3¹), 29 (1³), 29 (1⁴), 40 (3²); Taxation Act Articles 18 (1), 18 (2), 21¹ (1), 22 (1), 24 (1), 24 (2), 27 (1); <https://www.riigiteataja.ee/akt/110072020004>

⁶ <https://www.siseministerium.ee/en/news/adopted-amendments-law-prevent-disregard-rules-employment-estonia>

⁷ The Labour Inspectorate homepage: <https://www.ti.ee/en/news/amendments-better-protect-rights-posted-workers-enter-force>.

State has changed the coordination of the victim support services starting from 2019, since 2019 hotline +3726607320 service is offered by the Social Insurance Board and now Social Insurance Board has a procurement system to find service providers and to conclude contracts. Before 2021 counselling and shelter services were provided by the NGO *Eluliin* under the public procurement system and contracting. Since 2021 the Social Insurance Fund is providing most of the services itself, but has contracts for safe accommodation and legal counselling services. State budget foresees specific funding for these services. Services for human trafficking victims (identified and also presumed) are described in Victim Support Act.

No other major changes are presented.

- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

Organised crime, incl. trafficking in human beings is a priority in the national guidelines covering the combating organised crime and crimes against person and from the last reporting several new national guidelines are updated and new strategies worked out as follows:

- [Criminal policy guidelines until 2030](#),
- [Violence Prevention Agreement](#) for the years 2021-2025,
- [Internal Security Strategy 2020-2030](#).

Two of the strategies are coordinated by the Ministry of Justice and Internal Security Strategy by the Ministry of Interior. Criminal Policy Guidelines results are presented annually in Parliament and with the other strategies overview of the implementation is given to Government.

As we have reported earlier, then Estonia has a national policy and a strategic development plan of the Government of the Republic for combating trafficking in human beings since 2006. Implementation of the latest governmental strategy goes within the timeline of this report. Violence Prevention Agreement was confirmed by the Government in July 2021 and one of the fields is fight against and preventing trafficking (activity field nr 7) setting up the following activity fields:

- Young people and professionals working with young people will be trained to raise their awareness of the dangers of trafficking in human beings and assistance possibilities. Young people will be engaged into the prevention of trafficking in human beings.
- Campaigns will be used to change the attitudes towards buying sex.
- Training will be provided to employers, in particular in the construction, manufacturing, and service sectors and in the manufacturing industry, as well as to users of seasonal workers in agriculture and elsewhere, to ensure safe and non-discriminatory recruitment chains and to improve the knowledge of employers of migrant worker recruitment rules.
- The knowledge of employees about labour laws, especially among those coming to work in Estonia from abroad, will be increased.
- Inspections based on risk analysis will be organised and data exchange will be intensified to reduce the illegal employment of migrants in Estonia.
- In criminal proceedings, co-operation with the countries of origin of migrants will be enhanced to support investigative measures.
- The prevention, detection, and investigation of crimes related to trafficking in human beings will be ensured in co-operation with the competent authorities, inter alia by increasing co-operation at the local level.
- Cases of labour exploitation will be analysed to identify possible links with the crime of trafficking in human beings.
- The experience of an independent rapporteur of trafficking in human beings in other EU countries and the need for such a function in Estonia will be analysed.
- An intervention programme for sex buyers will be established to reduce the demand for trafficking in human beings, including the buying of sex and sexual abuse.

Estonia is also drafting the new welfare strategy "Prosperity" for the years 2023-2030 that brings together following strategic objectives: reduction of social inequalities and poverty, gender equality and greater social inclusion, promotion of equal opportunities for persons belonging to minorities,

employment, long and high-quality working life, population policy, aging and children and families. for the years 2023-2030. The development plan has considered the strategic goals set in the country's long-term development strategy "Estonia 2035", the UN Sustainable Development Goals and the European Social Rights Pillar Action Plan. Regarding victim support, following tasks are being planned:

- Improving the availability of victim support services.

This requires:

- raise public awareness of the availability of victim support services.
- to increase the ability of specialists to notice the victims in need of help. The new Victim Support Act, which will enter into force in 2023, will create an opportunity for specialists to forward information about a person's need for victim support together with contact information to the Social Insurance Board.
- introduction of a system of proactive assistance. The new Victim Support Act allows the transfer of data of a victim in need of special treatment and protection to the Social Insurance Board, regardless of the person's wishes, but also at the person's request if the need for special treatment has not been found. Thus, a legal space for proactive assistance has been created. Active co-operation with investigative bodies, the prosecution and the courts will be improved.
- Improving the skills of specialists, enhancing cooperation, including the traumatic treatment of victims. This requires:
 - raising the awareness of specialists about the nature, effects and consequences of trauma. It affects both law enforcement agencies and social and health workers who come into contact with victims of crime and violence but are often unable to recognize, treat and refer them to appropriate care. It is necessary to integrate the topic into the training programs of various specialists and to make cross-sectoral round tables to understand the importance of traumatic treatment;
 - increase the role of health and social care providers in preventing violence. Victims of violence are more likely to turn to a healthcare provider. In order to ensure that the victim who comes to the attention of the healthcare provider is not left without help, it is necessary to ensure the early detection of violence and to address issues related to data exchange and cooperation with other authorities and the provision of support in both healthcare and social services.
- Organizing the provision of services to victims and perpetrators and providing compensation to victims
This requires:
 - Development of a basic victim support service to ensure a service of uniform quality and availability across Estonia, which is informing the victim about possible services and measures to protect victims, counseling and providing psychosocial assistance to the victim, assessing the victim's need for assistance and providing appropriate assistance; Ensuring the professionalism of victim support providers through in-service training and educational preparation, and further developing the system for involving victim support volunteers, including the provision of IT solutions necessary for the organization of work.
- Reorganize the service for victims of trafficking in human beings.
The purpose of the service is to contribute to the sense of security, physical and psychosocial recovery of victims and expected victims, and to prevent re-victimization. The restructuring of the service started already in mid-2020 and will continue in order to ensure a professional approach and a rational use of the budget. The service needs to raise public awareness of trafficking and support the physical and psychosocial recovery of victims of trafficking in human beings based on past trauma and needs, as well as to encourage them to participate in criminal proceedings against the perpetrators. As they are often victims of organized crime, ensuring security and good cooperation with law enforcement by victim support is essential. The provision of assistance to foreigners also needs to be developed, both in terms of organizational and legal needs and the need for translation.

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

The principle of equal treatment is one of the fundamental principles under the Estonian Constitution and this applies to everybody and every field of work, incl with THB matters. More specific regulation concerning gender equality is provided in the Gender Equality Act ⁸(GEA, adopted in 2004). The Gender Equality Act aims to ensure equal treatment of men and women as provided for in the Constitution and to promote gender equality as a fundamental human right and for the public good in all areas of social life. To achieve this purpose, this GEA provides for: 1) the prohibition of discrimination on the grounds of sex in the private and public sectors; 2) the obligation of state and local government authorities, educational and research institutions and employers to promote equality between men and women; 3) the right to claim compensation for damage. The GEA applies to all areas of social life except professing and practicing faith or working as a minister of a religion in a registered religious association, and to relations in family or private life.

Strategy and policy measures to promote gender equality and equal opportunities (on other grounds) are planned through the Welfare Development Plan 2016-2023. The current "Welfare Development Plan for 2016-2023" has four sub-goals, one of which is gender equality, thereby creating the first ever governmental level wide-scale strategy for gender equality. The achievement of this sub-goal is supported by other development strategies.

Measures planned in the development plan and the programme(s) vary from activities concerning legislative drafting, outreach, training, and analysis. including both special measures to promote gender equality and activities that support the implementation of gender mainstreaming. The strategy aims to reduce social stereotypes and 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, ensuring institutional capacity and implement gender mainstreaming. To achieve the goals of the strategy there are also several NGOs in strategic partnership with the state.

In order to improve implementation of mainstreaming strategy, i.e. that gender, age, special needs and other aspects would be considered in policy-making, in 2021-2022, the Ministry of Social Affairs is implementing a pilot project together with other ministries. The aim of the project is to find the most efficient (both resource and result-wise) and sustainable solution for co-ordinating, supporting and implementing this strategy. Results of this project will be presented, together with further policy and practice proposals, to the Government in 2023. The Equality Competence Center funded from EU structural funds working to provide support and co-ordination for entities using and coordinating structural funds. By the end of 2022 there will be online module of basic training of gender mainstreaming, equal treatment and accessibility for policy makers.

To mentions some other recent measures that are being implemented under the strategy, in 2019-2022, a research and development project was being carried out with an aim to decrease the still unexplained part of the 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 projects also prepared a prototype of a digital tool for employers to support analysing and tackling organisational gender pay gap. The tool will be further developed in coming years.

⁸ Gender Equality Act in English: <https://www.riigiteataja.ee/en/eli/ee/507032022002/consolide/current>.

To tackle gender segregation in education and the labour market, two 18-months applied research projects have been implemented. Both projects are concentrating on finding new possibilities to use nudging for promoting gender equality and are co-funded by the Estonian Research Council from the European Regional Development Fund, and the Ministry of Social Affairs. Project “Glass Walls and Ceiling in the Estonian ICT Sector” was finalised in the first half of 2021. It had a specific aim to ascertain nudges to increase the share of women among ICT sector students and employees. Nudges were developed and tested for three target groups – high school students, employers, and general public/parents. Project “Nudging to Support Stereotype-free Career Choices and Working Conditions” finalized in Spring 2022 seeks nudges to help teachers and career advisers in supporting and promoting career choices that are free of gender stereotypes, and to support employers in ensuring equal and fair working conditions and stereotype free recruitment and promotion.

Among other measures to empower women there also legislative initiatives aimed at increasing flexibility of parental leave system and more equal sharing of care responsibilities by mothers and fathers, that have gradually come into force in 2018-2022. To emphasise the importance of men’s participation in carrying the care burden and to increase the take-up of the 30-calendar-day paternity leave (prolonged from 10 working days as of July 2020), an applied research project was implemented to test and thereby identify suitable nudges to achieve these aims.

As brought out before, then the new welfare strategy will be proposed to the government during the year of 2022. The strategy will have five sub-goals, one being gender equality and equal opportunities.

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

The service of the state authorities, but mainly the Social Insurance Board who is coordinating offer of state services to victims, is intended for all presumed and identified victims of human trafficking, regardless of their gender, race, religion, age, etc. Training and awareness-raising across the board also underline the principle that everyone needs to be treated with respect and comprehensive support for their differences. According to this principle, victim support workers in the Victim Support Department as well as other relevant authorities (e.g. the Estonian Unemployment Insurance Fund, the Labour Inspectorate, the Police and Border Guard Board (PBGB)) and the business sector (hotels, catering companies, various employers), university students (e.g. elective subject in the School of Law of the University of Tartu), and journalists have been trained. Through Facebook communities, the Social Insurance Board has reached ethnic minorities itself (e.g. Ukrainian Cultural Centre, Latin American women’s community in Estonia, etc.). Work in this direction is continuous and consistent and is a natural part of the service.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

The administrative authority that is conducting the procedural acts in the proceedings provided for in Alien’s Act, OLPEA and Act on Granting International Protection to Aliens is required to take into account the specific needs of minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence (Aliens Act § 226(3), OLPEA § 67 and Act on Granting International Protection to Aliens § 15¹ (1)). Thus, the special needs, incl. protection needs of victims of trafficking are considered in different administrative proceedings.

In case there are signs of trafficking, the person is referred to the Social Insurance Board for providing victim support services. Investigative bodies and Prosecutors’ Offices must decide within 10 days on the commencement of criminal proceeding. If criminal proceedings are not commenced, the services may be still provided for up to 60 days as of notification of the Social Insurance Board of refusal to commence criminal proceedings. If the criminal proceedings are commenced the person is notified about the possibilities and conditions of the issue of a temporary the residence permit to

participate in the criminal proceedings and a reflection period is granted. Under the Obligation to Leave and the Prohibition on Entry Act the return procedure shall be suspended during the reflection period.

Pursuant to the Victim Assistance Act, both illegal immigrants and foreign workers are subject to the status of presumed victims, which gives them all rights to services. Several examples of the practice of the Social Insurance Board in recent years have been cited for internationalisation, e.g. citizens of the following countries have been provided the services: Ukraine, Belarus, Kyrgyzstan, India, Cameroon, Uzbekistan, Tajikistan, Azerbaijan, Peru, Colombia, Brazil, Japan, the Dominican Republic. All this has created a need for, for example, the translation of information materials not only into Russian and English, but also into Spanish and Italian. In the current situation of war refugees, information is also provided in Ukrainian.

In August 2020, the Police and Border Guard Board (PBGB) started using an assessment tool for assessing vulnerabilities of asylum seekers. The tool is used also on the border. The tool contains a checklist for aspects necessary to identify whether the person is in a vulnerable situation.

A new information and data sharing system in the recent years, was introduced, to exchange faster information on children and adults in need of assistance. The system operates via the Estonian sc X-Road data exchange service. Information about a person in need of assistance or at risk, is automatically transferred from the Police Procedural Information System (MIS) into the Social Services and Benefits Data Register (STAR). Through the new system, the police can immediately send information about a person who needs assistance or is at risk, to the local governments. Information about victims of domestic violence will be forwarded to the victim support workers of the Social Insurance Board. A system was established in co-operation the Ministry of the Interior, the PBGB and the Social Insurance Board.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

All the victims of THB have the right for the same assistance and provision of services. The Victim Support Act provides legal basis for the services, and the Social Insurance Board foresees and implements assistance regarding each victims' personal needs. In 2017-2021 the ratio of males who have asked help through hotline service, has reached to 80%. This result has been established through the regular awareness raising and preventive activities among migrant works in Estonia. Mainly they are males, at least until spring 2022 when war refugees from Ukraine started to arrive.

Training of relevant professionals (Articles 10 and 29)

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

Trainings have been one of the priority objectives over the last years on state level and have been organized throughout the years by the government, also with the support of the foreign financing. Normally there are every year or every after second year one bigger joint training organized by different partners to the stakeholders working with THB matters. If the ministries or any other state bodies do the trainings, then normally with the budget of the organizations/from their yearly budget. Staff who receives the training is well chosen by the authority who is in charge of finding their participants, so we are able to say, that good selection bring relevant people to the trainings. Trainings are voluntary, but when it is suggested to concrete professionals, then it is also encountered into their work and in this way, it is considered to be necessary for the carrying out the work duties.

Some examples of the trainings done periodically for years 2019-2021:

1) In 2019 and also in 2021 joint trainings to the specialists (investigators from police and prosecutors' offices, labour inspectors, inspectors of tax and customs board, also victim support specialists) working with THB and related crimes, both of them had around 70 participants. All the specialists who are getting in the everyday work into contact with THB cases and victims were asked

to participate. New guidelines of referral were discussed in 2019 and also special attention was given for the work with persons with special needs and mental health problems, because this theme was one of the training needs police investigators brought out. The next training highlighted Penal Code and labour exploitation issues and also exchange of experiences was done with Finnish colleagues on investigation of THB cases. Also, psychological help for practitioners and also working with traumatized people was discussed. The trainings both were financed from state budget through the Ministry of Social Affairs and Justice. In 2020 training was cancelled due to COVID19 restrictions.

2) Over the years labour inspectors of the Estonian Labor Inspectorate had the opportunity to participate with 1-2 colleagues in the OSCE simulation-based training on combating human trafficking along migration routes. The courses consisted of realistic simulations of cases of labour and sexual exploitation among migrants, including child victims. The last time the Labor Inspectorate participated in this OSCE simulation-based training was in 2019. In 2020-2021, the Labor Inspectorate did not participate.

3) 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. Estonian specialist also took part as speakers on COE event and other international seminars for sharing COVID time experiences and working practices.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

In Estonia all victim support services, including to children, are provided by the Social Insurance Board and no special national referral mechanism is set. Also, the local government child protection services have a crucial role. In Estonia, trafficking of children mainly concerns non-coercive acts criminalised under § 175 of the Penal Code (“Human trafficking with respect to minors”).⁹ Usually the child is influenced in social media channels to make and send erotic or pornographic photos of themselves or appear in an erotic performance, by offering financial or other benefits or by threatening. In 2021, 16 such cases were registered (26 cases in 2020).

A child victim of trafficking is considered a child in need of assistance under Estonian Child Protection Act and is entitled to help from the local child protection services. Child victims without a permanent residence in Estonia as well as unaccompanied minors are assisted by the Social Insurance Board. Since 2017 we have Barnahus¹⁰ (children’s houses) in Estonia that aid sexually abused children and those suspected of being abused, including children who might be victims of sexual abuse or exploitation in child trafficking cases. A recent amendment to the Child Protection Act provides that the local government’s child protection services must refer a (potentially) sexually abused child to the children’s house for multidisciplinary assistance. Estonia’s children’s houses are run by the Social Insurance Board and they provide child-friendly environment for organising child protection and criminal proceedings, including interviewing child victims, and for providing health and social services to support the child’s recovery.¹¹ The children’s house may refer the child and his/her parents/guardians to victim support services, including psychological counselling. All counterparts of the service form a cooperation network and have signed a memorandum of understanding which enables the smooth functioning of the service – for the benefit of providing needs-based services and assistance to abused children and for supporting the investigation (Agreement has signed by

⁹ 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.

¹⁰ <https://www.barnahus.eu/en/the-barnahus-quality-standards/>

¹¹ <https://www.sotsiaalkindlustusamet.ee/en/family-and-child-protection/childrens-house>.

the Head of Social Insurance Board, Head of Police and Border Guard Board (PBGB), Head of State Prosecutor's office and Head of Estonian Forensic Science Institute). If during interviewing by specialist of Barnahus reveals that an offence might be / has been committed against child, after that, a detailed video recorded interview will be carried out with child by specialized trained police officer. It is the task of the police to investigate the circumstances of the offence and gathering evidence during pre-court proceedings bases of provisions of Code of Criminal Procedure.

There is a guideline for the police officers of the PBGB for cases involving minors, their rights, child-friendly justice etc. It includes also suggestion to cooperate with Barnahus – for example, to conduct interview with the child, to carry out a medical examination of the child, to provide need-based services and assistance to abused child.

Investigator should use and always finds useful tips to keep in mind from “The Child Interviewing Handbook” (<https://www.kriminaalpoliitika.ee/lapsekysitlemiskasiraamat>) that provides advice to investigator during preparations to conduct interview with the child. Example from page 21:/.../ Knowing the child's or young person's behaviour is correctly understood by knowing what cultural environment he / she comes from, ie what his / her family and environment are, what values the family carries, how he / she is treated at home, what are his / her home patterns, how healthy /.../.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment¹² for them, including through:
- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;
 - b. raising awareness of THB through education;
 - c. training professionals working with children.

Estonia is committed to enhance and protect children's rights and create a protective environment for them. In 2016 a new Child Protection Act was adopted that put greater emphasis on identifying and helping children and families in need of assistance. Under the Strategy of Children and Families 2012-2020¹³ successful efforts have been made to enhance parenting skills and positive parenting, to strengthen the child protection system and make available necessary services for children and families in need of assistance. Since 2017 we have Barnahus (children's houses) in Estonia that provide assistance to sexually abused children and those suspected of being abused, including children who might be victims of sexual abuse or exploitation in trafficking cases (see Q7 above).

In Estonia, all children are registered at birth. The birth of a child is registered in Estonia if the child is born in Estonia, the residence of the child's parent is in Estonia or the child's parent is an Estonian citizen. If the child is born in a hospital, a national identification number is assigned to the child already in the hospital. In order to register the child's birth, the legal representative of the child must submit a relevant application within one month from the date of birth of the child (may be extended up to two months). If the application is not submitted within due time, the family will be contacted and inquired about the situation.

In recent years also special lectures about sexual exploitation and also trafficking have been implemented by the specialists for school children in Estonia and e-learning courses are made available also in web platform of schools: <https://e-koolikott.ee/kogumik/26780-Inimkaubanduse-vastu-voitlemine-ja-enetamine> and lectures itself are as follows:

- Sexual violence in Estonia: [Kelle nägu on seksuaalvägivald Eestis? Kai Part \(23 min\)](#)
- How to identify dating violence: [Kuidas ära tunda kohtinguvägivalda? Tiivi Pihla \(22 min\)](#)

¹² The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

¹³ https://www.sm.ee/sites/default/files/content-editors/Lapsed_ja_pered/lpa_fulltxt_eng_83a4_nobleed.pdf

- What are my possibilities to avoid sexual violence: [Millised on minu võimalused vältida seksuaalset väärkohtlemist? Anna Frank-Viron](#) (22 min)
- What are my possibilities to avoid unpleasant sexual experiences: [Millised on minu võimalused vältida ebameeldivaid seksuaal kogemusi? Kai Hallik](#) (23 min), (25 min)
- Sexual violence crisis centre video: [kriisiabikeskusi tutvustavat videot.](#)
- Why trafficking concerns me: [Miks puudutab inimkaubandus mind? Sirle Blumberg](#) (20min), in Russian, [Miks puudutab inimkaubandus mind? Sirle Blumberg](#) (20min), in Estonian

There is in preparation ISF project activities for awareness raising of gymnasium pupils starting in 2022 second half until 2027. This training program will be carried out by the Ministry of Justice and Social Insurance Board.

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 sexual abuse (including child trafficking related to sexual 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.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

Where the victim's age is uncertain and there are reasons to believe that the person is a child, they will be presumed to be a child. According to the Child Protection Act § 3, a child means every human being below the age of eighteen years, and if the age of a person is unknown and there is reason to believe that the person is below the age of eighteen years, the person shall be deemed to be a child until proven otherwise. If necessary, the Police and Border Guard Board assists in the verification of the victim's age.

Unaccompanied minors are identified primarily on the basis of their own statements, appearance, behaviour etc. In case of doubt medical tests may be used. The consent of the alien or his or her guardian is needed. Age assessment tests are carried out by the Estonian Forensic Science Institute. The methodology is:

- 1) Radiological examination.
- 2) Conversation (e.g. history of injuries and other health-related issues).

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests¹⁴ are duly taken into consideration, in particular when it comes to:

- a. identification of child victims of trafficking;
- b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;
- c. locating the child's family;
- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;
- e. access to appropriate and secure accommodation, education and health care;
- f. issuing residence permits for child victims of trafficking;
- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

¹⁴ "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

i. special protection measures for children.

Considering the best interests of a child is a legal requirement in Estonia. According to the Child Protection Act § 21, upon making or refusing to make any decisions affecting a child and choosing between different options upon planning a decision, the best interests of the child must be ascertained and set as the primary consideration for the decision. This requirement applies to all persons and institutions engaging with the child and in all processes.

The best interest of the child is also primary consideration in all actions carried out by the Police and Border Guard Board. According to the Alien's Act a minor of at least 15 years of age may participate in the residence permit proceedings independently. In case of unaccompanied minors, the duties of a guardian shall be performed by the rural municipality or city government of the usual whereabouts of the child. The Police and Border Guard Board must explain the rights and duties of the participant in the proceeding in administrative procedure, interpreters or translators are provided if needed.

An unaccompanied minor may be returned from Estonia only if the guardian is convinced that the unaccompanied minor alien shall be sent back to his or her family member or appointed guardian or to the reception centre of the receiving state. The Police and Border Guard Board is obliged to undertake efforts to trace family members of the child.

A child victim of trafficking is considered a child in need of assistance under Estonian Child Protection Act and is entitled to help from the local child protection services. Local government child protection officials are obliged to assess the needs of the victim and provide necessary assistance and measures to support the child's well-being. Upon assessing the child's need for assistance, the child protection official shall give an assessment to the physical, medical, psychological, emotional, social, cognitive, educational and economic situation of the child as well as the parenting skills of the person raising the child. If needed, the local government may request assistance from the Social Insurance Board's victim support or child protection services. Child victims without a permanent residence in Estonia as well as unaccompanied minors are assisted by the Social Insurance Board, who shall assess the child's needs by the same principles and provide necessary assistance. Identification of the child victims goes by the same regulation and rules as identification of any victims of trafficking.

During the reporting period there has been no THB cases where residence permits would be needed specifically for children.

In Estonia all the children without parental support are under guardianship of the local municipalities, if there is an unaccompanied minor, then this also applies to them and at the same time also the work goes further with identifying and finding biological parents of the children. As legal guardians are nominated for children in due time, then they are also responsible for assisting in the questions of residence permits, applying for international protection, etc.

Legal guardian of the children assesses also the conditions of return and so that this would be in the best interest of the child as well being safe. If the return to origin country is organized, then it will be done in cooperation of several state authorities, like local municipalities as legal guardian, Social Insurance Board and also police. By the experience of the cases where children have been sent to European countries, then border guards have sent children to planes in Estonia and the same rule has applied also in the country they are sent. Border guards' welcome children and hand them over to the persons who have the right to represent this child.

There have been no substantive changes in the state's legal aid in recent years. In criminal proceedings, the victim (including the victim of human trafficking) is granted legal aid on the basis and in accordance with the procedure provided for in the State-funded Legal Aid Act. If the court finds that the essential interests of the injured party, civil defendant, or third party may remain unprotected without the assistance of a lawyer, the court may decide on its own initiative to grant legal aid to the person on the grounds and in accordance with the procedure provided for in the

State-funded Legal Aid Act (subsection 41 (3) of the Code of Criminal Procedure). Pursuant to the State-funded Legal Aid Act, a natural person may receive state-funded legal aid where the person is unable to pay for competent legal services due to the person's financial situation at the time the person needs legal aid or where the person is able to pay for legal services only partially or in instalments or where the person's financial situation does not allow for meeting basic subsistence needs after paying for legal services (subsection 6 (1) of the State-funded Legal Aid Act). A minor who does not have a legal representative, or based on the circumstances, it can be presumed that the interests of the legal representative of the injured party are in conflict with the interests of the injured party, the minor shall receive state-funded legal aid regardless of the economic situation of the victim (clause 6 (22) 13) of the Code of Civil Procedure).

According to § 37² of the Code of Criminal Procedure, the proceedings authority is obligated to assess whether any circumstances are present that amount to a reasonable cause to believe that an individual victim requires special treatment and protection in criminal proceedings. The assessment takes into consideration the victim's personality, the gravity and nature of the criminal offence, who the suspect is, the circumstances in which the criminal offence was committed and the harm caused to the victim. Any minor victims are presumed to require special treatment and protection in criminal proceedings. As a result of the assessment, a decision is made concerning which of the means provided for by the Code of Criminal Procedure for ensuring the safety of the victim it is possible to employ, as well as whether the interview with the victim should be conducted in premises adapted for their special needs or by, or with the participation of, a specialist trained to interview victims with special protection needs or, if possible, by the same person throughout the proceedings.

In 2021, the Bar Association established an obligation for lawyers representing minors under the state-funded legal aid procedure to undergo additional training, and since 1 January 2021, lawyers can only represent minors under the state-funded legal aid procedure if they have undergone training related to children's developmental psychology, questioning of children and children's rights. This also applies to lawyers represented as victims of trafficking in minors in criminal proceedings.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking? As we have got little experience with unaccompanied children who might be at risk or victims of trafficking, then no special measures are worked out. Identification is done by the same rules as for other THB victims. There have been no cases of non-voluntary return. Border guards and police, who normally are the first contact point for such children are trained to notice them and hand them over to further assistance to Social Insurance Board.

To prevent disappearance of the children, they are held in the replacement homes and they are guarded in these facilities. On the side, work goes further in cooperation with the Social Insurance Board and the local municipality where the child is residing in to guarantee the wellbeing of children. The cases are solved under the case management plan, which is settled for all the children in need.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

There are no special programs for child victims of trafficking, all the general rules of victim support to trafficking victims are in use, also child protection and other welfare assistance services are in use.

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

The Police and Border Guard Board, have no difficulty with identifying cases of forced labour or prosecuting perpetrators, while there have been no special information exchange procedures made in this regard, except the investigation procedures. However, the Police and Border Guard Board and the Labour Inspectorate have topay more attention to questionable situations to be able to determine whether, for example, paying low wages, influencing employees through accommodation, etc. could be indicators of human trafficking, even though in some situations, the alien does not complain. Disgruntled foreigners have now reached the labour dispute committees.

At the same time, we see that better awareness among different stakeholders and the public in general helps to prevent and identify cases at an early stage, and we have also provided for activities in the field of prevention of labour exploitation in the national strategy, from awareness-raising activities to inspection visits to employers.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

Section 133 of the Penal Code ('Trafficking in human beings') lists a number of activities in subsection 1 and seven different alternatives to coercion, among which are 'taking advantage of a vulnerable situation'. In addition, there is a separate subsection 5 in the same section which provides for the definition of a vulnerable situation. A 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).

Under the explanations of the annotated edition of the Penal Code, a vulnerable situation means a situation where a person does not have a real or acceptable opportunity not to commit any of the obligations that are part of the necessary elements of human trafficking. Therefore, to identify a vulnerable situation, it is necessary to first determine whether the victim had any alternative way of coping with life (e.g. to find a job that provide a minimum wage). If it is so, their vulnerable condition must be acknowledged. However, if an alternative coping option is spotted, further questions need to be asked about its acceptability. As a person may have unrealistic expectations of their prospects, considering alternative coping options should not be based exclusively on the opinion of the victim, but also on the principle of reasonableness.

Taking advantage of a vulnerable situation is when someone, being aware of the victim's vulnerability and rather pleading to it, tries to convince the victim to accept some undesirable opportunity to earn a salary. In practice there are no THB cases where only abuse of vulnerability would have been referred.

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

Forced marriage has been punishable as a possible act of human trafficking in the Estonian Penal Code since 2017, when the amendments made for the ratification of the Istanbul Convention entered into force, but no real procedures nor cases have been filed.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Yes, it can. In Penal Code § 133 lg 1 list of actions which are sanctioned as trafficking, "forced begging" is included. There have been no cases of forced begging with the involvement of the children, and also with child's family or legal guardian.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

Yes, it can. In Penal Code § 133 lg 1 list of actions which are sanctioned as trafficking, “forced criminality” is included. In 2020 we had one case (1-20-3017¹⁵) with Estonian youngsters, who were forced to steal in the shops in Finland. They initially were promised the job in the warehouse, but in Finland the situation changed, some of the youngsters were also forced to commit thefts in Estonia. The criminals were sanctioned in trafficking in Estonia, the final decision came in 2022, when State Court decided not to investigate the case any further and confirmed the decision of the lower court level for sanctioning trafficking. Two persons were convicted for THB for 6 years imprisonment and they started their sentence in 2019 in total of 7 years of imprisonment for THB and other crimes.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports. Prevention campaigns have had research of noticing, but no impact research is done. Labour Inspectorate has carried out prevention campaign which is implemented by the Norwegian Labour Inspectorate “Working in Norway: Your rights and obligations”. This campaign is still ongoing, lasts to the fall of 2022, but the plan is to carry out impact assessment as well. More information about the campaign in Estonian: <https://www.ti.ee/et/valismaine-tootaja/kampaaniad/norra-tooinspektsiooni-kampaania-tunne-oma-oigusid> and in English: <https://www.arbeidstilsynet.no/en/knowyourrights/> .

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research. Research is considered to be essential part in policy planning and it is supported from the state funds, but also from international project funds. Also, it is more and more supported to offer research themes for the university students for their final thesis. Like for example in 2021 Annika Karm’s master thesis „Cooperation of Estonian administrative authorities in detecting trafficking in human beings from people coming from third countries” looked at how different authorities work with THB suspicions and how cooperation is built up. The thesis is in Estonian found here: <https://digiriul.sisekaitse.ee/bitstream/handle/123456789/2812/Karm%2c%20Annika.pdf?sequence=1&isAllowed=y>.

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. From research we see the trend that children are more active in social media and in the internet and the statistics of the trafficking cases where children are related also confirms that active social media usage causes them threats and vulnerability to trafficking. Youngsters have heard about sexual health issues the most at schools, also from youth counselling centres and youth clubs, but the tendency that they are discussing the matters at home is more relevant for children whose home language is Estonian. The research confirms the need for further prevention and awareness raising of children, both in Estonian and Russian languages.

Special surveys about the internet use and threats of it are done as well, like EU Kids Online research about children’s internet behaviour, more information here: <https://sisu.ut.ee/euko/avaleht>. One of the results of the survey is, that Estonian children are active in internet and social media and their parents are not able to track their activities they’re because of the poorer knowledge than children have. So awareness raising in all of the age groups is essential.

We provide annually overview and analysis of the crime statistics, published here: <https://www.kriminaalpoliitika.ee/et/statistika-ja-uuringud/kuritegevus-eestis> and pages of the summaries of THB crimes for the years of 2018-2021 are:

2021: https://www.kriminaalpoliitika.ee/kuritegevus2021/inimkaubandus_page.html

2020: <https://www.kriminaalpoliitika.ee/kuritegevus2020/inimkaubandus>

2019: <https://www.kriminaalpoliitika.ee/kuritegevuse-statistika/inimkaubandus.html>

¹⁵ Court decision of 1-20-3017 is here: <https://www.riigiteataja.ee/kohtulahendid/fail.html?fid=310354374>.

2018:

https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/09_inimkaubandus.pdf

In the Autumn of 2021, the European Migration Network carried out a study which aims to explore the national practices of detection, identification and protection of third-country national victims of trafficking in human beings. The study consists of the following parts:

1. Overview of national situations in relation to trafficking in human beings, in particular focusing on the national, latest available data, trends, patterns and trafficking purposes.
2. National policy and legislative developments and measures to detect (presumed) third-country national (TCN) victims of trafficking in human beings, including information on competent authorities, existing reporting mechanisms, possibilities to appeal decisions.
3. National policy and legislative developments and measures to identify (presumed) TCN victims of trafficking in human beings, including referral mechanisms (if existent) among national authorities and other relevant stakeholders.
4. National policy and legislative developments and measures to protect (presumed) TCN victims of trafficking in human beings, including the legal framework for granting the reflection period, residence permits and the provision of appropriate information and assistance.
5. Cooperation mechanisms with other Member States, EU agencies (EASO, Europol, Frontex), international organisations and third countries of origin and of transit.
6. Challenges and good practices in Member States, such as those concerning vulnerable persons, (presumed) cases falling under the scope of the Dublin III Regulation and the impact of COVID-19. The Estonian national report as well as the synthesis report of EU Member States' practices will be published in May 2022.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

The constant updating of legislation according to migration trends and the changed situation – migration flows are constantly changing and, in this context, the ways in which migration channels are misused are changing. The Ministry of the Interior, in cooperation with the Police and Border Guard Board, is constantly monitoring the migration situation and the legal framework has been constantly updated along the way (e.g. amendments to legislation entered into force in 2018, which increased the penalty rates for enabling illegal employment; in connection with the COVID-19 crisis and the war in Ukraine, the law was amended to allow foreigners staying here to extend their stay).

The following measures are in place to prevent THB:

- 1) Counselling activities – migration advisers have been recruited in the Police and Border Guard Board, who provide information by phone, email, Skype, or direct appointment about the requirements for entering, staying, and living in Estonia legally, including studying and working, as well as the consequences of staying or working in the country illegally. Migration advisors work closely with employers, companies, and educational institutions, organising information days and trainings for them.
- 2) Migration supervision – the Estonian Aliens Act provides for the obligations of employers and a sponsor for an alien to educational institutions. Pursuant to Section 291 of the Aliens Act, a sponsor is required to verify if an alien who has been invited to Estonia by sponsor has a legal basis for the stay in Estonia; they are required to host an alien in Estonia, guarantee his or her accommodation and bear the costs of the stay of an alien in Estonia and of his or her departure from Estonia. An employer is prohibited from entering into an employment contract with an alien who has no legal basis for staying in the country. The Police and Border Guard Board in cooperation with the Tax and Customs Board (ETCB) and the Labour Inspectorate (LI) carry out inspections (incl. jointly) on the basis of a risk analysis to ensure compliance with the requirements for employment in Estonia (including the following in the salary requirement provided for aliens in the Aliens Act). A migration supervision module is being developed to

enable better data exchange between the information systems of the ETCB, the LI, and the Unemployment Insurance Fund and thereby improve supervision over working in Estonia.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;

In Penal Code as special sections there are regulated:

- § 138¹. Forcing person to donate organs or tissue,
- § 139. Illegal removal of organs or tissue,
- § 140. Inducing person to donate organs or tissue¹⁶

b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

The institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations are regulated in law („Procurement, Handling and Transplantation of Cells, Tissues and Organs Act“¹⁷).

According to this act transplantation infrastructure in Estonia is composed of:

- 1) transplantation council;
- 2) national transplantation agency;
- 3) transplantation centres;
- 4) the procurers and handlers of cells, tissues and organs;
- 5) Estonian Health Insurance Fund;
- 6) State Agency of Medicines;
- 7) Health Board;
- 8) Ministry of Social Affairs.

The national transplantation agency shall perform the following functions:

- organises the subsequent observation of the medical status of live organ donors;
- organises activities, the purpose of which is to notify of the importance of the donation of cells, tissues and organs;
- carries out audits over the donation of cells, tissues and organs and establishes the reasons for non-donation;
- organises the development of quality and safety instructions for the procurement, handling and transplantation of cells, tissues and organs;

The transplantation centre shall perform the following functions:

- 1) organises the traceability and biovigilance of the procurement, handling and transplantation of organs;
- 2) maintains the organ transplant waiting lists;
- 3) organises the distribution and international exchange of organs to be transplanted and enters into contracts therefor with the relevant organisations of the European Union and third countries;
- 4) organises the communication concerning the procurement, handling and transplantation of cells, tissues and organs with the procurers, handlers, transplanters and the State Agency of Medicines.

State supervision over compliance with „Procurement, Handling and Transplantation of Cells, Tissues and Organs Act“ and the requirements of legislation established on the basis thereof shall be exercised by the State Agency of Medicines and the Health Board.

The State Agency of Medicines exercises supervision over compliance with the requirements for the procurement and handling of cells, tissues and organs provided for in this Act and legislation

¹⁶ Translation in English of the Penal Code: <https://www.riigiteataja.ee/en/eli/ee/529042022005/consolide/current>.

¹⁷ Legislation in English: <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/525012022002/consolide>.

established on the basis thereof, including supervision over the quality and safety requirements of cells, tissues and organs.

The Health Board exercises supervision over compliance of the specialised medical care providers whose practice involves the transplantation of cells, tissues and organs with the requirements for the transplantation of cells, tissues and organs provided for in this Act and legislation established on the basis thereof.

c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

The guidance and training to relevant professionals to prevent this form of THB is provided by the national transplantation agency / the transplantation centre.

Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

a. educational programmes;

1) Ministry of Foreign Affairs of Estonia has an outreach program for high school students in respect of smart travelling. Lectures are given at schools to raise awareness of young travellers of potential risk situations that may occur abroad. Among other things, human trafficking is covered. In 2019 – 2021, more than 200 students participated in the lectures.

2) Ministry of Justice organizes in 2022 already fourth year in spring semester in a row special criminal policy course in the gymnasium for the classes 10-12 and one of the themes in the course always has been overview of the trafficking situation in Estonia and also guidance how to notice the cases and also when and how to react. The course took place in Paide Gymnasium in the years 2018-2020 and after that since spring 2019 it is done in Viimsi Gymnasium. Around 30 students are in one group, around 150 persons got the trainings over the period 3 years.

3) Some examples of the education programs also brought out in Q8.

4) 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. The Academy of Security Sciences provides basic training for police students, tax and customs students and also to students who had chosen the training as an elective on the basis of the ERASMUS curriculum.

5) Police and Border Guard College of the Estonian Academy of Security Sciences is providing vocational training curriculum "Police Officer" that 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. 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". Students are offered lectures, but also the carry our group work, situational analysis assignments and also independent tasks of different methods.

- 6) 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.
- 7) 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.

8) In 2021 first time we made special course for the law students in Tartu University of THB, the course (3 EAP) lasted for the period of 3 month and gave overview of the THB phenomena from legislation up to overview of the victim assistance. Lectures were given by the practitioners working on the field with THB matters. There were nearly 70 registered participants and we to continue with this course in 2022 fall. In 2021 the course was entirely in web format, but in 2022 planned also as face to face trainings.

9) More generally on sexual health there is a special training program worked out: 'Healthy and secure relationships', which supports also prevention of THB. Research materials prepared by the University of Tartu with the funding by the Ministry of Education and Research for basic schools and the preparation for the materials for the upper secondary school is underway, plus trainings for teachers have taken place. The teacher's book 'Healthy and secure relationships' has been developed, trainings have been carried out over several years and will continue this year. In addition, with the support of the Ministry of Education and Research (strategic partnership agreement with the University of Tartu), the study material has also been prepared as digital lessons in the Opiq environment and is also freely available to teachers. There is both student and teacher material for basic school. This year, study materials will be prepared for upper secondary school. In the Opiq environment, the use of educational materials is free of charge for schools for 10 years. There are trainings both online and in person. Special attention is paid to Ida-Viru County.

b) information campaigns and involvement of the media;

Number of awareness raising activities in recent years were done (also within international projects or in international cooperation actions), of which some highlights from the years 2018-2021:

- 1) In cooperation with the European Crime Prevention Network (EUCPN), a campaign highlighting the rights of victims of human trafficking and noticing the need for assistance was prepared in 2019, in which a central contact number was highlighted from country to country, through which those in need were directed to help. We noted the helpline 6607320 for preventing and assisting human trafficking as the central contact of Estonia. The campaign was developed centrally under the leadership of the EUCPN in cooperation with other European countries, Estonia was represented in the European working group by the Ministry of Justice. Within the framework of the campaign, a uniform visual of the campaign materials was prepared, the entire design was completed centrally, it was left to each country to decide which elements of the campaign they would use more and the budget for their distribution had to be found by the state itself. Estonia used videoclips as well as posters and stickers as publications. Materials in Estonian and Russian may be found at the following link: <https://www.kriminaalpoliitika.ee/et/inimkaubandus/juhendmaterjalid>, as well as international materials in English: <https://eucpn.org/preventhumantrafficking>. In Estonia, we decided to

share the campaign information as posters and stickers directly through the Social Insurance Board and victim support workers, and the clips are available on the [kriminaalpolitika.ee](https://www.kriminaalpolitika.ee) page as well as on the page of the Social Insurance Board. The campaign started in Estonia on the day of the EU's fight against human trafficking, and a press release was also published: <https://www.sotsiaalkindlustusamet.ee/et/uudised/inimkaubanduse-ohvritele-abikaitse-ja-toetus-olemas>. The posters of the campaign are again in use in the accommodation places of the UA refugees. There is a special design in UA languages and the search for help leads to Social Insurance Board hotline service.

- 2) Social Insurance Board has started in 2020 with podcasts for promoting social services and two podcast of trafficking issues have been made, both in Estonian and also in Russian. Podcasts are found: <https://podcast.ee/sotsiaalkindlustusameti-taskuhaaling/>.
- 3) In addition to these podcasts from the THALIA project done in 2021 together with CBSS resulted in competition of the student works of prevention of trafficking and Estonian students from Tallinn University were nominated with prize for their podcast of the THB phenomena in Estonia, podcast is here: <https://www.youtube.com/watch?v=8iDVB1d8Cj4>, other Estonian student contributions are here: <https://luna.tlu.ee/et/inimkaubandusega-seotud-ohud-ja-nende-enetamine>.
- 4) ISF funded project FLOW (2018-2020), 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. We held several seminars on the theme with stakeholders engaged into the work against labour exploitation, incl enterprises from construction sector, also several guidance was worked out for enterprises and also law enforcement agencies. Demand side is touched through the responsible supply chains and Estonian guidance's are translated and therefore well received by the specialists.
- 5) Since 2021 there is project ELECT THB which aims to enhance the identification and investigation of trafficking in human beings (THB) for sexual and labour exploitation and increase collaboration between law enforcement authorities and other key actors to combat it. Estonia is one of the partner countries of it and first roundtable to discuss the project and further cooperation was held on 23.2.22.
- 6) In 2019-2020 Council of Baltic Sea States project HOF-BSR enabled to work out the study video of the trafficking for explaining what THB is, how it is regulated in Estonia, which help is available, examples of the THB crimes were also given. This study video was made especially for the joint training of stakeholders working with THB and is found also in here: <https://www.youtube.com/watch?v=kAC2Zg4b20k>.
- 7) In addition to that special attention has given to raise awareness of THB of media and journalists, so that glossary of definitions was worked out and as well the guidelines to journalists to address issues of THB. There were couple of seminars held to journalists and also some articles released on THB. Like this one: <https://epl.delfi.ee/artikkel/87768607/meidime-su-reisi-kinni-maksma-ja-sina-pead-nuud-selle-est-tasuma-oma-keha-muumisega>.
- 8) Project THALIA was dedicated to train media students to raise awareness of THB and also to prepare preventive materials to other youngsters. From Estonia students of Tallinn University worked out list of materials found in here: <https://luna.tlu.ee/et/inimkaubandusega-seotud-ohud-ja-nende-enetamine>.
- 9) Some media examples from Labour Inspectorate: Under the news section of the Working Life portal <https://tooelu.ee/en/news> (ENG), relevant topics/questions are explained, which concern both local employees and foreigners and among other things, the aim of preventing human trafficking is considered. Information from the Labour Inspectorate on various topics about information mornings can be found at <https://tooelu.ee/et/76#tooinspektsiooni-uritused>. For example, the article 'Seasonal workers from within the country and abroad' in the Tööelu magazine 2019, https://issuu.com/tooinspektsioon/docs/t_elu_2_2019. For example, the Labour Inspectorate's working environment report, which provides information related to foreign labour force, https://www.ti.ee/sites/default/files/dokumendid/Meedia_ja_statistika/Tooekeskonna_uele_vaated/2022/tookeskkond_2022_ee_a4_web.pdf. Considering what is happening now, the Working Life portal provides, for example, a FAQ for employees, etc.: <https://tooelu.ee/et/392/ukraina-sojapogenikud-ja-toosuhted>. Labour Inspectorate is also sharing information on YouTube: <https://www.youtube.com/watch?v=AzwmOvHapVY>.

10) In 2022 special videos were made for educating helpers of refugees in order for them to notice and help the refugee to notice possible threats of trafficking. Videos were produced by the Ministry of Justice and Social Insurance Board in Estonian and also in Russian. Also, special leaflets were made to refugees in three languages: Russian, English and Ukrainian: <https://www.just.ee/kuritegevus-ja-selle-enetus/inimkaubandus#vabatahtlikele>.

c.legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);

The draft of the whistleblower protection act is currently in parliamentary proceedings and it is impossible to predict when it will be adopted. Subsection 6 (2) of the current Anti-Corruption Act provides that in the case of reporting corruption, the confidentiality of the fact of notification shall be ensured, and there is currently no legal regulation regarding other offences for the protection of the notifier. According to the new draft of the whistleblower protection act, a horizontal notification system should be applied to all offences in the future.

There are no specific activities in the field of corruption prevention in the field of human trafficking, and general anti-corruption rules apply in this area as well. The field of corruption prevention is regulated by the Anti-corruption Act and the crimes related to corruption are set out in section 293–300¹ of the Penal Code.

The objectives of corruption prevention through various strategies and action plans have been:

1. Increasing the transparency of decisions and processes
2. Awareness-raising
3. Increasing research capabilities.

Pursuant to clause 95 (4) 2) of the Public Procurement Act which entered into force on 19 September 2017, the contracting authority may exclude from the procurement procedure a tenderer or candidate who has breached environmental, social or labour law duties arising from law or from a collective agreement. We do not have any other measures related to the procurement procedure to report, insofar as the obligation to remove from public procurements undertakings who or whose representatives have been convicted of a criminal offence related to human trafficking were already included in the Public Procurement Act.

D.involvement of the private sector.

In the recent years the in-person cooperation with private sector has been moderate, because of the corona crisis and several lock downs. We have been planning cooperation seminar with Association of Restaurants and Hotel for several years already and so far, it has not been possible to realise the plans discussed, because of the heavy times and constant changes in this sector (lockdown, reopening, search for the personnel, accommodating refugees, etc). First seminar for HR personnel is planned in summer 2022 and bigger event in 2023.

But as in person cooperation has been hampered, then in 2021 Ministry of Justice, Social Insurance Board, Tartu University, Labour Inspectorate, Police and Border Guard Board organized YouTube live stream events for businesses in three languages to support their efforts to continue business effectively and responsibly, through giving them information about essential free services provided by the Estonian state:

- Information hour in Russian <https://www.youtube.com/watch?v=ixECg-Ig1b8>;
- Information hour in English https://www.youtube.com/watch?v=fRiE_xdIDEI;
- Information hour in Estonian, <https://www.youtube.com/watch?v=7YzBSHEa7Eg>.

One of the goals of the Support Team for Victims of Human Trafficking of the Social Insurance Board is to organise prevention and awareness activities in the private sector, involving the latter to behave responsibly and to take note of what is happening in their supply chain. Recently, focus has been on hotels, where the staff is exposed to different people and situations and can become an important notifier. Social Insurance Board has trained the entire staff of the Ibis Hotel and Hestia Hotel in Estonia.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

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 1700 consultation cases per month and they also have regular webinars on migration issues. In 2021 Estonian Police and Border Guard migration advisers and surveillance inspectors, Labour Inspectorate, Tax and Customs Board, Social Insurance Board held four joint webinars in Estonian, English and Russian language. On these webinars' employers got information about legal basis to stay for immigrant workers and also the requirements, taxation, labour environment and contracts requirements, prevention of THB.

A migration supervision module is being developed to enable better data exchange between the information systems of the Estonian Tax and Customs Board, the Labour Inspectorate, and the Unemployment Insurance Fund and thereby improve supervision over working in Estonia.

The Ministry of Foreign Affairs of Estonia has an outreach program for high school students to increase their awareness about possible problems while travelling abroad. In this program, among other topics it is explained to students what is forced labor and how to avoid becoming a victim in such schemes. Also, the MFA has an e-course set up at Tartu University, where most common problems with persons travelling or living abroad are covered (incl. forced labor situations), along with tips of how to avoid the problems or in case they have happened, how to solve the issues. The e-course is based on real life stories, it was first opened online in 2013. Modifications and updates were done in 2018 (<https://sisu.ut.ee/reisitargalt>).

In Western Police Prefecture counselling of the companies and also migrant workers have become a certain part of the work and also some clues of suspicious working conditions have been found through this. In 2021 cooperation with Labour Inspectorate has grown and more attention has been given for dealing with labour exploitation cases. Labour Inspectorate carries out also state supervision over employers (either with notification in advance or without it) in the questions of working environment, working conditions, also joint supervision visits with police, customs board. Tight communication with police in reacting to clues or complaints is relevant and it is done, also it is done as everyday business with foreign and neighboring countries, like Finland and Norway.

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;
- b. identification of possible perpetrators of THB offences;
- c. gathering of first-line information from victims and perpetrators;
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

In order to raise the awareness of border guards, the following measures are in place:

- internal guidance materials on human trafficking have been prepared, which are available to officials in internal information systems and intranets;
- Frontex handbooks 'Handbook on Risk Profiles on Trafficking Human Beings', Children at airports' and 'VEGA Handbook' are available at border crossing points;
- annual trainings in the field of human trafficking are carried out, in which border guards also participate;

The Police and Border Guard Board has regularly conducted summer seminars for the officials of the Police and Border Guard, one of the topics of which is noticing and informing about cases of human trafficking.

For example, in the summer of 2019, a short training of border guards based directly on Tallinn Airport has been carried out, during which specific characteristics have been clarified which should be paid attention to during daily border control, to notice possible victims of human trafficking and identify persons who commit crimes in this area, as well as how to deal with the presumed victims of human trafficking they have identified and how to collect first-hand information from them and potential suspects of a crime. It has produced very good results and is still doing so.

Migration monitoring service

Migration monitoring service officers regularly participate in working groups aimed at combating human trafficking and promoting cooperation. For example, officials of the West Prefecture of the Police and Border Guard Board visited Finland and Sweden in 2018 or 2019 to learn about their activities in combating migration and human trafficking in sharing best practices. Frontex's human trafficking detection manuals are also used in daily work.

For the effective international cooperation Estonian referral model is also described in transnational referral mechanism of the Baltic Sea States in 2018-2019, which worked out the guidance for Baltic Sea region, see guidance in here: <https://bsr-trm.com/>. This guidance will be updated for the purposes to find help children in need of assistance in Baltic Countries.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

One example to share: once a year, the head of the Western border and migration monitoring service communicates with the main bus carriers – with representatives of Lux Express and Ecolines – and talk briefly about profiling (which bus drivers should monitor and inform us about). As a result, police have caught individuals who are in Estonia without a legal basis.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

Estonian Police and Border Guard Board is a unified governmental agency which has power, among others, to carry out criminal investigations as well as immigration control related activities such as guarding the border and border control, processing of residence permit applications, processing of asylum applications, conducting migration surveillance and enforcing return of foreign nationals. The merger has helped to improve the cooperation between different functions.

If we take into account that the PBGB has the functions of both the police and the border guard, and the PBGB also has units that fight concealment crime, then we have established direct communication channels at the operational level with essentially all our immediate neighbours, except for the Russia: Finland, Sweden, Latvia. We have participated in mutual trainings and regularly discuss cases, situations related to human trafficking and look for possible common features in them.

The PBGB uses the Migration Board database SUSPECT, where shipping traffic between Estonia and Finland is visible, and police cooperation is carried out. Among other things, this system provides an opportunity to identify potential subjects of human trafficking who, for example, are smuggled across the border by a criminal in the course of profiling. Other neighbouring countries have also made inquiries to us and are asking us for information on the basis of this profiling.

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

For identification and referral, guidelines on the identification of victims of THB, including roles and responsibilities of different actors, were drawn up the first time in 2009, and the guidelines were re-written in 2019 in cooperation with all the relevant counterparts – Ministry of Social Affairs, Ministry of Justice, Ministry of Interior, Ministry of Foreign Affairs, Police and Border Guard Board, Labour Inspectorate, Prosecutor's Office, Social Insurance Board (both victim support and child protection departments), and the Local Government representation. The documents' version protected from the public contains all the relevant contacts in every relevant organisation responsible for identification and referral of THB victims. After the new Victim Support Act comes into force in 2023, the guidelines will be updated again and disseminated in all the mentioned organisations. NRM is not established, but the procedures of identification have been described in the guidelines and also regular trainings take place to enforce practical cooperation.

Services to victims are centrally coordinated by the Social Insurance Board: 1) safe accommodation (24/7) with food, plus necessary material assistance; 2) counselling services: social counselling, psychological counselling, legal counselling (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 the Unemployment Fund is essential. Extra to these services the Social Insurance Board finances medical help and translation, if needed.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

There are formalised indicators for the identification of victims of THB. See Q27. The ILO indicators were used as a basis for developing the indicators used in Estonia.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

Social Insurance Board has tight cooperation with police. If there is the doubt for labour or sexual exploitation, then consultations in all forms take place with police in order to clarify whether criminal investigation has ground or not. Even if there are no grounds for investigation of THB crime, then also presumed victims will get services from the state under the Victim Support Act. The offered services are considered victims special needs and there are engaged into the process as well.

30. What measures are taken in your country to encourage self-identification of victims of THB?

Social Insurance Board advertises its victim support services constantly, and awareness rising campaigns are organised to inform the public about THB and possible services, including anti-trafficking hotline, some examples here: <https://www.youtube.com/watch?v=dYnkelgDnWk>, <https://www.youtube.com/watch?v=MbXzdlhoFyo&t=2s>, https://www.youtube.com/watch?v=3F_br5leFRw.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

Estonian Police and Border Guard Board is a unified governmental agency which has power, among others, to carry out criminal investigations as well as immigration control related activities such as guarding the border and border control, processing of residence permit applications, processing of asylum applications, conducting migration surveillance and enforcing return of foreign nationals. If there are reasonable grounds to believe that the person subject to asylum procedure or return procedure is a victim of trafficking, the information is directed to criminal investigator to commence the criminal proceeding.

If the person is applying for asylum, then among other materials also questionnaire to evaluate vulnerability is filled out with the information from the asylum seeker. The questionnaire also helps to identify possible THB cases. Vulnerability is assessed throughout the process not only when accepting application but throughout the process, as well if the person is returned to the country of origin, so the cooperation is done with numerous partners, incl with accommodation facilities. If throughout the investigation there raises the doubt of the THB or indications of it will come from colleagues, then specific specialist are engaged into the process and also criminal police is notified who is in charge of investigating THB crimes.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

The processing of personal data is regulated by the Personal Data Protection Act. In addition, the processing of personal data in criminal proceedings is regulated by subsection 15 (2) of the Code of Criminal Procedure. Pursuant to sections 157 and 1571 of the Penal Code, illegal disclosure of personal data and of special personal data, commission of, or falling victim to an offence is punishable.

In the opinion of the Labour Inspectorate, there are no such cases where a conflict would arise. If necessary, when the information is forwarded to the Police and Border Guard Board, it is forwarded only to the parties involved, not to outsiders.

As a problem, the LI sees that if they and the PBGB question the victim at different times, it can put the victim at risk, as he or she may be affected by the processes. If the first interviewer would pass on the materials, then there would be no effect from the process, and the initial statements of the victim would not vary much.

There is a point in the organisation of the work of the human trafficking victim support team of the Social Insurance Board where the client, who has either contacted us or directed to services, is given an information package about the rights of the person and the processing of data, in case the person's data reach us in the provision of assistance. All such documents are exceptionally stored only in the secured databases of the board, and the relevant documents have also been reviewed and approved by the board's data protection specialist. The Social Insurance Board does not collect data that is not needed, i.e. the data collection is guided by the principle: as much as necessary and as little as possible.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;
- b. victim's safety and protection;
- c. standards of assistance and their implementation in practice;
- d. access to medical treatment, psychological assistance, counselling and information;

In Estonia, all these obligations are stated in the Victim Support Act. Social Insurance Board, the State institution responsible for organising victim support services, has the right to provide services itself, or find a non-state actor to do so. Then the non-state actor is obliged to follow all the rules and regulations just like state actor. The official agreement between the SiB and non-state actor is written and approved, and regular monitoring of the service provision is done by the SiB. All the services are financed by the State/Ministry of Social Affairs/Social insurance Board.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness? There have not been any experiences with such victims, so no special measures are met.

Section 210 of the Aliens Act provides that a residence permit for participation in criminal proceedings may be revoked:

- 1) upon termination of criminal proceedings;
- 2) if an alien has abandoned contributing to the clarification of facts of the subject of proof of the criminal offence, or if an alien has voluntarily and on his or her own initiative renewed contacts with the persons being suspected or accused of committing the criminal offence or;
- 3) if the alien poses a threat to public order or national security.

These grounds come from Article 14 of Directive 2004/81.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

The Social Insurance Board has concluded a contract for safe accommodation of victims with 5 accommodation establishments. This practice has proven itself for 1 year, where hotel staff are also trained (some are still waiting for training). We can direct women, men and, if necessary, children to accommodation, where cleanliness, safety and catering are ensured. Customer feedback has been positive.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

Needs-based services are important for supporting the victim's well-being and independent coping according to the victim's individual situation and case. It is very important for us that the services provided to the victim are coordinated with him or her and informed about them. Therefore, each victim receives an information package from us (in Russian, English, Spanish) with a section with the question of the customer's consent.

The human trafficking victim advisor:

- provides initial crisis counselling (if necessary, at night, 116006 crisis hotline team is involved)
- in cases of trafficking in human beings related to sexual abuse, immediately carries out an initial risk assessment to identify the victim's safety needs and possible risk of suicide. Due to the risk assessment and, if necessary, ensures 24-hour supervision and crisis counselling to ensure the safety of the victim and the management of the risk of suicide.
- ensures that the victim is heard and provided with emotional support.
- assesses security risks and prepares an initial action plan for mitigating risks (incl. assesses the need for supervision, suicide risk and other important indicators).
- informs the victim of their rights and further assistance options.
- agrees on the following actions with the victim.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

The Social Insurance Board can offer different services according to the needs of the victim and the justification of the case even if criminal proceedings have ended, for example, such as support and counselling of victim support workers, legal counselling, different dealings with the local government, etc.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

So far, no cooling-off period has been implemented.

However, the cooling-off period provided for in section 205 of the Aliens Act is given to an alien by a decision of the Prosecutor's Office, the corresponding decision does not have to be formalised with the quality of the regulation.

At the same time, the decision on the cooling-off period, including the notification pursuant to section 204 of the Aliens Act, can be challenged pursuant to administrative court procedure in the administrative court, as these are not procedures in criminal proceedings. However, in connection with the establishment of uniform forms concerning the activities provided for in Section 203–210 of the Aliens Act, the Public Prosecutor's Office notes that it does not consider it necessary to establish certain nationwide forms with regard to these activities, because these are rare administrative acts and therefore it was agreed that if such cases occur, they will be registered in the document management system of the institution and thereby also be available to other authorities.

There is an agreement on how to act in cases, but, again, there is no practical experience of this way of working, as no one has been given a cooling-off period under the Aliens Act.

According to the Aliens Act § 203 a third country national may be granted a temporary residence permit to participate in the criminal proceedings for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if she/he is a victim or a witness in a criminal procedure, the object of which is a criminal offence provided for in § 133-1333, 138-140, §-s 1451, 175 of the Penal Code. The prosecutor's office or an investigative authority on the order of the prosecutor's office shall grant an alien a cooling-off period of 30 to 60 calendar days and notify an alien of the services offered during the cooling-off period, of the possibilities and conditions of the issue of a temporary residence permit in case of substantial public interest and the grant of international protection (Aliens Act § 204 and 205). According to Aliens Act § 203 and 207 a temporary residence permit shall be issued if the victim shall have previously facilitated the ascertaining of facts relating to the subject of proof of a criminal offence or has given consent for doing so and has broken off all the relations with the persons who are being suspected or accused of committing the respective offence and the victim does not constitute a threat to public order or national security.

An alien shall be placed with his or her consent for the period of the cooling-off period, of the review of the application for a temporary residence permit and, upon the issue of the specified residence permit, for the period of validity of the residence permit to a place designated by the Social Insurance Board. The Social Insurance Board shall provide the services specified in §§ 3 and 3 1 of the Victim Support Act to an alien with his or her consent (Aliens Act § 226 (1) and (2)). Upon the provision of services to an alien the specific needs of minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence consent (Aliens Act § 226 (3)).

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

The Aliens Act provides that a temporary residence permit may be granted to an alien if the alien is staying in Estonia and in the course of the proceedings for the alien's arrival in Estonia, temporary stay in Estonia, residence in Estonia, employment in Estonia, or obliging him or her to leave Estonia, it has become evident that obliging an alien to leave Estonia would clearly be too burdensome, the alien does not have the opportunity to obtain a residence permit in Estonia on another basis and does not pose a threat to public order and national security.

In this case, the possibility of return is assessed on the basis of various circumstances related to the alien (e.g. the alien's ties with his or her country of origin and Estonia, the situation in the alien's country of origin, etc.).

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

As we haven't got any practice, then we are not able to share cooperation practices, but if the case would exist, then decisions are made on the case law basis.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

Section 210 of the Aliens Act provides the bases for revocation of a residence permit. According to this, the alien must contribute to clarifying the circumstances of the object of proof of the crime. Article 14 (d) of Directive 2004/81 also provides that, if the victim does not cooperate, it is the basis for the revocation of the residence permit.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;

State authorities have put much effort in the last years for the accessible information not just in Estonian, but also in other languages, because we see, that persons asking help and who are related to proceedings, have another language background.

Labour Inspectorate's information about their activity and procedures is available in English <https://www.ti.ee/en>, information about the labour conditions of the foreign workers and also special part has been established for third country nationals: <https://www.ti.ee/en/foreign-worker/third-country-worker-posted-worker>. Recently materials are also available in Ukrainian: <https://www.tooelu.ee/en/392/ukrainian-war-refugees-and-employment-relations>.

Social Insurance Board also takes care of the fact that information is available about their services at least in 3 languages (Estonian, English, Russian), but for some years they have needed also materials in Spanish, so that main supportive material for the victims are also available in Spanish. In case there is a correspondence with victims via e-mail, then workers are answering in Russian and in English in addition to Estonian.

Information in three languages:

- <https://www.sotsiaalkindlustusamet.ee/ru/pomoshch-zhertvam-prestupleniya/liniya-popreduprezhdeniyu-i-okazaniyu-pomoshchi-zhertvam-torgovli>
- <https://www.sotsiaalkindlustusamet.ee/en/human-trafficking-prevention-and-victims-assistance-counseling-line>
- <https://www.facebook.com/inimkaubandus>.

Police migration specialist also have produced materials about their contacts and proceedings in several languages and also main contacts are shared in three languages (RUS, ENG, ET) and also information leaflets about general victims' rights is translated into seven languages¹⁸.

b. access to free legal assistance and legal aid during investigations and court proceedings;

There have been no substantive changes in the state's legal aid also concerning civil court claims. In criminal proceedings, the victim (including the victim of human trafficking) is granted legal aid on the basis and in accordance with the procedure provided for in the State-funded Legal Aid Act. If the court finds that the essential interests of the injured party, civil defendant, or third party may remain unprotected without the assistance of a lawyer, the court may decide on its own initiative to grant legal aid to the person on the grounds and in accordance with the procedure provided for in the State-funded Legal Aid Act (subsection 41 (3) of the Code of Criminal Procedure).

¹⁸ Leaflet is shared in the criminal proceedings by the police and prosecutors office and is available in here: <https://www.just.ee/kuritegevus-ja-selle-ennetus/ohvrite-toetamine/kuriteoohvrite-oigused>.

Pursuant to the State-funded Legal Aid Act, a natural person may receive state-funded legal aid where the person is unable to pay for competent legal services due to the person's financial situation at the time the person needs legal aid or where the person is able to pay for legal services only partially or in instalments or where the person's financial situation does not allow for meeting basic subsistence needs after paying for legal services (subsection 6 (1) of the State-funded Legal Aid Act). A minor who does not have a legal representative, or based on the circumstances, it can be presumed that the interests of the legal representative of the injured party are in conflict with the interests of the injured party, the minor shall receive state-funded legal aid regardless of the economic situation of the victim by the State-funded Legal Aid Act as follows:

(2²) In criminal proceedings, state-funded legal aid is available to the injured party whose active legal capacity is limited, regardless of their economic situation, where:

- 1) based on the circumstances, it can be presumed that the interests of the legal representative of the injured party are in conflict with the interests of the injured party;
- 2) the underage injured party has been separated from the family;
- 3) the injured party is an unaccompanied minor for the purposes of the Act on Granting International Protection to Aliens.

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

c.compensation from the perpetrator;

Since 2020 Western Prosecutor's Office implements in cases of terminating criminal proceedings the system under which the person under the proceeding will have the obligation to pay the costs of criminal proceedings to the NGOs or for the purpose of public interest, so that the money will not end up in the state budget. In this way the connection between the offence and compensation is made. The Ministry of Justice is currently developing Prosecutors Information system in order to make the system automatic and implement such compensation possibilities throughout Estonia. Code of Criminal Procedure Act regulates it as such:

Code of Criminal Procedure Act regulates it as such:

§ 202. Termination of criminal proceedings when there is no public interest in pursuing the case and when the person is not culpable to a high degree

(2) When terminating criminal proceedings in the case, the court may, on an application of the Prosecutor's Office and with the consent of the suspect or accused, impose the following obligations on the suspect or accused, to be performed within the set time limit:

- 1) to pay the costs of criminal proceedings in the case or compensate for the harm caused by the criminal offence;

[RT I 2007, 11, 51 – entry into force 18.02.2007]

- 2) to pay a specific amount into the State's revenue or to be used for a specific purpose in the interests of the public.

Short summary of the pilot¹⁹:

As of 1 May 2020, the Western District Prosecutor's Office started a test by which prosecutors could determine the payment of a sum of money for the intended use of the amount of money in the public interest upon termination of criminal proceedings due to a minor lack of guilt and lack of public interest, i.e. upon termination by principle of expediency. Such an opportunity is provided for in clause 202 (2) 2) of the Code of Criminal Procedure. This provision of the law consists of two alternative options, of which only one has been used so far – the payment of a certain amount of money into state revenue. Given that the majority of crimes in which the prosecutor's office terminates proceedings on the grounds of opportunism are community crimes, the logical step was to implement a law that allows the person who committed the crime to perform the obligation to perform for the benefit of the community.

Law allowed the appointment of such an obligation for many years, but the obstacles might have come also from the earlier guidances given for prosecutors. Pilot was carried out with the aim of explaining what issues and problems that need to be resolved the implementation of the law entails.

¹⁹ The original story in Estonian in Prosecutors' Office annual yearbook in here:

<https://aastaraamat.prokuratuur.ee/prokuratuuri-aastaraamat-2020/sihtotstarbeline-makse-oportuniteedi-kohustusena>.

Most of the crimes in which the prosecutor's office closes proceedings on the grounds of opportunism are community crimes. It was a logical step to implement a law that allows the person who committed a crime to perform the obligation to perform for the benefit of the community.

Non-profit associations operating in the public interest and charitably are compiled in the list of non-profit associations with income tax incentives, which are maintained by the Tax and Customs Board. For the test, Prosecutors Office took as a basis the list of NGOs operating in the area of work of the Western District Prosecutor's Office, to which they manually added the main field of activity of the NGO, such as district promotion, education, culture, religion, social sphere, etc. to facilitate later selection.

As one of the obstacles to the implementation of the Act was considered to be a possible risk of conflicts of interest and the need to make the choice of the payee on the most objective basis possible, then an automatic excel formula was established in order to select NGO-s who receives the allocation. During the practice, it turned out that the selection criteria had to be expanded because there were not enough non-profit organisations operating in certain areas.

The test highlighted the need to develop information systems in such a way that the choice of the recipient of the obligation would be automatic and rapid. For example, today there is no need to contact NGOs separately for the consent to receive the allocation, while the consent is given annually through Tax and Customs Board. All in all, the testing of the system could be deemed as a success - the representatives of NGOs also expressed their support for the experiment.

Between 1 May 2020 and 31 December 2020, prosecutors of the Western District Prosecutor's Office imposed a special-purpose payment obligation in 92 criminal matters in the total amount of 30,050 euros. The amount of the obligation was between 100 and 1,000 euros, the average payment amount was 326 euros.

The most common crimes for which the duty was imposed were first-time drink driving and acts of violence, where criminals sincerely repent and whose intoxication was not great.

The obligation was imposed in favour of 69 different NGOs throughout the working area of the Western District Prosecutor's Office. The duties were assigned by 10 prosecutors, that is, half of the prosecutors working in the district. Of the fields, responsibilities were assigned most to the social sphere, secondly to NGOs engaged in the promotion of children and sports. The specified obligations were fulfilled on time, only one procedure had to be renewed due to non-performance of the obligation. The pilot was successful.

Similar practice has been implemented also in the State Prosecutors Office with regard to high corruption crimes.

d. compensation from the state;

The system of state compensation has not been changed. Victims of crimes of violence committed in the territory of the Republic of Estonia and their dependant's compensation is available. Also, compensation shall be paid to the victim of a crime of violence committed abroad if the victim is a permanent resident of Estonia or an Estonian citizen who does not reside permanently in Estonia and was abroad for reasons related to studies, employment or service duties or for other good reasons and if the victim is not entitled to similar compensation under the law of the country where the crime was committed. If the victim dies, compensation shall be paid to a dependant who was permanently residing in the Republic of Estonia at the time when the crime of violence was committed. A crime of violence is an act committed against the life or health of a person which is punishable pursuant to criminal procedure and as a result of which the injured person: 1) dies; 2) sustains serious damage to his or her health; 3) sustains a health disorder lasting for at least four months. An alien is entitled to receive compensation if he or she is a victim of trafficking in human beings, regardless of whether he or she has a legal basis for stay in the Republic of Estonia. The maximum amount of compensation is 9590 eur.

e. compensation for unpaid wages to victims of trafficking.

Data on the cases dealt within Social Insurance Board as with the presumed victims of THB on labour matters:

In 2021, the Social Security Board helped 49 clients to have prepared claims against 33 companies in the amount of 413,713 euros and out of these, 7 can be considered cases of taking advantage of labour situation.

In total in year 2020 608 clients were provided help and consultation, from those 75 clients (presumed victims) was assisted to write application against 48 companies to Labor Inspectorate, total claim: 447 263,37 eur.

In total year 2019 679 clients (presumed victims) were provided help and consultation, from those 111 client assisted to write application against 69 companies to Labor Inspectorate, total claim: 532 915,29 eur. To Social Insurance Board knowledge, it is partially or fully satisfied claims against 17 companies from 31 clients.

Total consultations in year 2018 - 433 clients. For 33 client assisted to write application against 19 companies to Labor Inspectorate.

Data on labour disputes in the Labour Inspectorate for years 2018–2021:

2018: More detailed data on labour disputes related to migrant labour Labour Inspectorate began to collect from 2019, but it is known that 14 applications were submitted in 2018.

2019: In 2019, there are 212 disputes related to foreign labour, of which 199 by employees and 13 by employers. 212 applications accounted for 7% of all applications received. The total amount of claims was EUR 2.3 million, of which 37 applications worth EUR 130,604 were fully satisfied. In part, 68 applications worth 374,220 euros were partially satisfied. Compromises were approved for 37 applications worth 203,570 euros.

The most applications were still related to salary, holiday leave payment and compensation claims. Unfortunately, even the more problematic sectors have not changed over time – in 2019, the field of construction related to foreign labour was also the most related (45% of all labour disputes related to migrant labour). Next, transport, warehousing, administration and ancillary activities, as well as accommodation and the catering sector – all of which accounted for about 10% of labour disputes.

2020: Labour disputes related to foreign labour force (321) accounted for 10% of all labour disputes in 2020. The total amount of claims for loss of wages and benefits is approximately 2.4 million euros. In 2020, labour dispute committees resolved 3,278 applications, of which 321 related to foreign labour. Of these 321, 28 were fully satisfied and 77 were partially satisfied.

From the point of view of the Labor Inspectorate, the most problematic sectors are construction (35% of labor disputes related to migrant labor); administrative and support service activities 17% and transport, storage 15%, where there are labor disputes related to migrant labor.

The years 2021 and 2022 are with the state of play of 24.03.2022 total of 298 labor disputes related to foreign labor were registered. In the years 2021 - 242 and 2022 - 56 (until 24.03.2022). A total of 51 applications were not processed. The largest number of labor disputes has come from the construction sector, administration and support activities, and transport and storage. In terms of occupations, the most controversial are general builders, truck drivers, chefs, welders and plumbers. Those who have provided the address of their country of residence can say that most of them have been citizens of Ukraine, Belarus, Tajikistan, Russia or Finland.

In a year (2021) and three months (2022), a total of 244 employees and 54 employers have submitted applications. If we look at the content of the claim, the employees have mentioned the most "other claim", the explanation of which also shows that it was an unclear claim. Therefore, in 24 of the 37 such claims, the solution is a ruling: refusal to accept the proceedings, without

eliminating the deficiencies of the application. Apparently, it must be acknowledged here that the employee has not been able to make a correct application. For the comparison, in our domestic labor disputes, TOP salary claims, claims for benefits and claims for unpaid holiday pay will follow.

f. Please provide examples of compensation awarded and effectively provided to victims of THB. THB victims have not received state compensation, but they have also not applied for it. Information about civil court claims is brought out in the last chapter with court statistics.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

By the Penal Code § 133 (4) it is possible also to imply extended confiscation, so that it is possible to confiscate the assets from the criminal, but also from the third person related to him/her as such:

(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. [RT I, 04.04.2012, 1 – entry into force 14.04.2012].

As brought out in the section, then in the Penal Code there are provisions allowing to confiscate of object used to commit offence and direct object of offence as well as to confiscate assets acquired through offence. During pre-trial investigation the aim is to identify assets that could be confiscated during trial and an extra effort is put into that. During house search all objects are seized that could later be confiscated. Also, if surveillance measures are conducted during investigation, then attention is paid to identify hidden assets in order to confiscate them later. In this regard Estonian law enforcement is striven by the principle that crime should not pay off, so the aim is to confiscate as much as possible. Unfortunately, Estonian investigations have shown that there are little assets that criminals have and they do not gain much from the crime. Most of the assets they gain through crime they spend on everyday life.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

Yes, the possibility is to get the compensation. The application to get compensation for the caused damages have to be done in Estonia, but the person itself can move back home during the process of decision-making. There are no cases of applying compensation after return. Social Insurance Board has cases of labour disputes where they continue providing help after return of the person by helping to claim unpaid salaries for example. With sexual exploitation and pimping cases, then Social Insurance Board can say, that when they include IOM to provide help for returning home countries then IOM organization in their home countries is offering continuous support and have possibilities to continue with different services.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

According to Article 17 (1) of the Obligation to Leave and Prohibition on Entry Act (OLPEA) a TCN may not be expelled to a state to which expulsion may result in consequences specified in Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the application of death penalty. The expulsion of an alien shall comply with Articles 32 and 33 of the United Nations Convention relating to the Status of Refugees (together with the Protocol relating to the Status of Refugees of 31 January 1967).

According to Article 72 (3) of the same act, upon the issue of a return decision all the relevant circumstances shall be taken account of in every single case and the reasoned interests shall be considered.

According to the experience of the Social Insurance Board in helping presumed victims who have been witnesses in the pimping cases, it can be pointed out that people returned voluntarily home and they had a place of residence.

Most foreigners leave Estonia voluntarily, using the help of the VARRE programme if necessary.

Number of return decisions issued to TCN:

2018 – 778 return decisions, of which 637 left voluntarily;

2019 – 1,164 return decisions, of which 963 left voluntarily;

2020 – 1,016 return decisions, of which 933 left voluntarily;

2021 – 1,140 return decisions, of which 1047 left voluntarily.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

Police haven't had this kind of cases and practice.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

In the view of amendments to the Act, there are no developments to be highlighted and also about the imposition of punishments, but on the prevention side, in practice, some examples of developments in the topic of corporate social responsibility can be given. The Organisation for Economic Co-operation and Development (OECD) has set up guidelines for multinationals, according to which all Member States must establish a point of contact for responsible entrepreneurship. The Estonian National Contact Point is located in the Consumer and Business Advisory Department of the Consumer Protection and Technical Regulatory Authority (CPTRA). This creation of a contact point was preceded by a study: <https://pilv.mkm.ee/s/fNWFbe9JCaIT0HO>. The contact points have two main tasks: (a) to ensure that awareness of responsible entrepreneurship is raised, communication cooperation increases, questions are answered, and (b) that potential problems and complaints arising from non-compliance with the guidelines of companies are resolved.

By order of the Government of the Republic of Estonia, the Ministry of Economic Affairs and Communications has been authorised to perform the functions of the Estonian contact point, but in 2021 the Estonian contact point was transferred to CPTRA. So far, no complaints have been received from the Estonian contact point.

Studies have been carried out, as well as awareness-raising activities. For example, an opinion poll on the social activity and social inclusion of companies conducted among Estonian residents at the beginning of 2020 under Milton's leadership shows that almost every second person is ready to pay more for a product bearing responsible principles or a quality label. The media is considered to be the biggest driver of social change, and more than half of people would consider leaving the workplace in the event of a value conflict. After the studies among leaders of the companies and also public opinions, the special agreement for CSR was confirmed for the state owned/state partnered businesses, see more: <http://csr.ee/mkm-is-liitusid-riigi-osalusega-ariuhingud-vastutustundliku-ettevotluse-deklaratsiooniga/>.

On the topic of responsible entrepreneurship and the prevention of human trafficking, in March 2022, the training of employees of a large state-owned company Riigi Kinnisvara AS took place to take note of danger situations and be able to react to them in a timely manner.

The previous points already mentioned in the prevention topics, but we would like to point out that the materials of the FLOW project²⁰ have been actively used in training activities and are planned to continue. In the course of the new project ELECT THB: https://heuni.fi/-/elect_thb#103296cb, it is also planned to address the topic of labour exploitation and the development of responsible businesses.

Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

No cases and relevant practice.

In the Penal Code (<https://www.riigiteataja.ee/en/eli/513012020005/consolide>) in the case of criminal offences of human trafficking (clauses 133 (2) 8) and 133¹ (2) 4), the taking advantage of official position is an aggravating circumstance. The concept of official is set forth in the Section 288 of the same Act. No separate measures have been established for officials to prevent the commission of crimes of human trafficking, but mandatory background checks have been established for several groups of officials. For example, sections 759 – 761 of the Police and Border Guard Act (<https://www.riigiteataja.ee/en/eli/511112019003/consolide>); Prosecutor's Office Act (<https://www.riigiteataja.ee/en/eli/522122019009/consolide>) section 15¹; section 114¹ of the Imprisonment Act (<https://www.riigiteataja.ee/en/eli/506012020003/consolide>), etc.

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

There are no examples of this in Estonian case law, but it is possible to use Section 29 of the Penal Code as a circumstance that excludes unlawfulness. Namely, an act is not unlawful if a person commits it by eliminating an immediate or imminent threat and the instrument chosen by the person is necessary for eliminating the threat and the protected interest is probably more important than the interest to be damaged. Such a risk could probably occur in the case of victims of human trafficking, that the victim behaves in a state of distress if, for example, he or she is forced to steal under the threat of murder. However, this should be assessed on a case-by-case basis, considering all the circumstances.

Furthermore, Section 80 of the Penal Code provides for the basis for release from punishment if a person has himself or herself been seriously injured as a result of the commission of a criminal offence punishable by up to five years' imprisonment. Pursuant to Section 61 of the Penal Code, the court also has the opportunity to apply the punishment below the minimum rate provided by law, considering exceptional circumstances.

Section 202 of the Code of Criminal Procedure also provides an opportunity to terminate criminal proceedings if the object of criminal proceedings is a criminal offence in the second degree and the guilt of the person suspected or accused thereof is not great and he or she has remedied or commenced to remedy the damage caused by the criminal offence and has paid the costs of criminal proceedings or assumed the obligation to pay the costs and if there is no public interest in continuing the criminal proceedings. It is also possible to terminate proceedings on the basis of Section 205 of the Code of Criminal Procedure if the person subject to proceedings has made a significant contribution to ascertaining the circumstances of another criminal offence important from the point of view of public interest in proceedings and if without it the discovery of this criminal offence and the taking of evidence would have been precluded or significantly complicated. This basis for the proceedings is suitable for terminating proceedings against the victim of human trafficking if the

²⁰ Project info page: <https://heuni.fi/-/flow>.

victim contributes significantly with his or her testimony to the handling of a criminal offence concerning trafficking in human beings.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

Pursuant to Section 6 of the Penal Code as well as Section 3 of the Code of Criminal Procedure, penal law generally applies to criminal offences committed in Estonia. Pursuant to Section 6 of the Code of Criminal Procedure, an investigative body and a prosecutor's office are required to conduct criminal proceedings upon the occurrence of the circumstances of a criminal offence, there does not have to be a victim's application for this and the victim does not have to live in Estonia.

Pursuant to this provision, investigative bodies and prosecutor's offices are obliged to conduct criminal proceedings when circumstances referring to a criminal offence arise. To boot, subsection 30 (1) of the Code of Criminal Procedure provides that the Prosecutor's Office represents public prosecution in court, which means that the victim cannot bring private charges in criminal proceedings pursuant to Estonian law. Pursuant to clause 38 (1) 1) of the Code of Criminal Procedure, the victim has the right to contest the refusal to commence or terminate criminal proceedings pursuant to the procedure provided for in sections 207 and 208 of the Code of Criminal Procedure.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

a. setting up specialised investigation units and the number of staff involved;

There are no special anti-trafficking units in place in investigating agencies, also in governmental level, but there are specialists in place, incl. in the police and prosecutor's offices who have one of the main responsibilities to deal with the issues and cases of human trafficking. Normally the investigators who investigate THB cases are working also with the other organized crime cases in the regional level of police and prosecutors' offices and on the central level. We have in Estonia 4 regional (North, South, East and West) offices of Police and Border Guard Board, the same number of Prosecution Offices and in addition to these offices one central body on the state level. For example, in Northern region in police there is 5 police official working daily with fight against THB crimes and in the prosecution officers we just recently nominated one prosecutor who coordinates the cooperation on THB matters overall in Estonia in prosecutors offices.

By the Code of Criminal Procedure § 16: Proceedings authorities and parties to proceedings

(1) The proceedings authorities are the court, the Prosecutor's Office and the relevant investigative authority.

(2) The parties to proceedings are the suspect or accused together with their defence counsel, as well as the victim, civil defendant and any relevant third parties. [RT I 2007, 2, 7 – entry into force 01.02.2007].

b. exchange of information with, and obtaining evidence from, other parties;

In order to have effective investigations there has been put a lot of attention to the multidimensional and cross-sectoral trainings of all the specialists, including investigators. This has helped to improve the level of information exchange and also gives bases for good cooperation.

Pursuant to Section 32 of the Code of Criminal Procedure, an investigative body performs the acts of criminal proceedings independently if the permission of a court or prosecutor's office is not required and the investigative body has the right to request the submission of a document necessary for the adjudication of a criminal matter and section 215 specifies that the investigative body whose proceedings involve the investigation of a criminal matter has the right to submit applications to other investigative bodies for the performance of procedural acts and other assistance. Section 213 of the Code of Criminal Procedure provides that pre-trial criminal proceedings are directed by the Prosecutor's Office, which is competent to demand the necessary material.

- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;'

Investigators use different investigative tools of organised crime, also for the crimes of THB. As THB is one of the hidden crimes, then for proving the crime and identifying the crime it is necessary to use all of the tools stated in the Code of Criminal Procedure, because the parts in the investigation are not always cooperative and also, they might be afraid and threatened so that trustful witnessing and information is not always available in the investigations.

Financial investigations are normal part of the THB investigations, incl. monitoring bank accounts. Also, it is more and more in THB cases common to deal with confiscation of the criminal assets, also the seizing and freezing tools are used. To identify the criminal assets is a normal part of the investigation and the same rule applies for the THB cases. as much as possible then modern technologies are in use in investigations as well.

Following there is a list of the methods of the investigation methods and ways of finding evidence:

§ 89. Attachment and examination of a postal or telegraphic item²¹

§ 90¹. Requiring data from an electronic communications undertaking

The body conducting the proceedings will be able to inquire to the electronic communications undertaking about the data relating to identification characteristics, which will be used in the public electronic communications network to identify the end user, with the exception of data relating to the fact of transmission of the message. In addition, at the request of the Prosecutor's Office and with the permission of the investigating judge in pre-trial proceedings or with the permission of the court, the investigative body may make a request to the electronic communications undertaking for data that have not been mentioned above. And this is in the case of a criminal offence listed in subsection 126 (2) of the Code of Criminal Procedure (trafficking in human beings is listed) and if it is strictly necessary for achieving the objective of criminal proceedings. In the case of criminal offences not specified in the list, the request for communications data is permitted if it is strictly necessary for achieving the objective of criminal proceedings and is justified by the seriousness and nature of the criminal offence and if the query does not unduly infringe personal rights.

§ 91. Search, if person is suspected of the crime (THB incl) listed in Code of Criminal Procedure § 126

§ 93. Investigative experiment

§ 126.2. Grounds for conducting a covert operation

Surveillance activities may be carried out by the Police and Border Guard Board, the Internal Security Service, the Tax and Customs Board, the Military Police and the Prisons Department of the Ministry of Justice and the prison (hereinafter surveillance agency) in the case of a criminal offence listed in subsection (human trafficking related crimes are listed in sections 133 to 133³ of the Penal Code) on the following grounds:

- 1) the need to collect information on the preparation of a criminal offence for the purpose of detecting or preventing it;
- 2) compliance with the order declaring a fugitive;
- 3) the need to collect information in confiscation proceedings in accordance with the provisions of section 161 of the Code of Criminal Procedure;
- 4) the need to collect information about a criminal offence in criminal proceedings.

§ 126.4. Granting an authorisation for a covert operation

Surveillance activities may be carried out with the written permission of the Prosecutor's Office or the investigating judge. The investigating judge decides on the granting of permission by an order on the basis of a reasoned request of the Prosecutor's Office. The investigating judge examines the reasoned application of the Prosecutor's Office immediately and, by a ruling, grants permission for surveillance activities or refuses to grant it.

²¹ Code of Criminal Procedure (CCP) in English is here:
<https://www.riigiteataja.ee/en/eli/ee/527012016001/consolide/current>.

In an urgent case, surveillance activities requiring the permission of the Prosecutor's Office may be carried out with the permission of the Prosecutor's Office, which has been given in a manner which enables reproduction. A written permit shall be issued within 24 hours as of the commencement of surveillance activities.

§ 126.5. Covert surveillance, covert collection of samples for comparison and conduct of initial investigations, covert examination and substitution of an object

§ 126.6. Covert examination of a postal item

§ 126.7. Secret interception of auditory or visual information

§ 126.8. Simulating a criminal offence

§ 126.9. Using an undercover agent

§ 472. Cross-border surveillance

- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

In Estonian legislation, most criminal elements are technology-neutral, that is, the punitive nature does not depend on whether the act was committed online or offline.

The police have entered into cooperation agreements for the removal of illegal online content with all major service providers in Estonia. Voluntary cooperation works effectively. Online police officers, i.e. web constables, are also active in Estonia. They can be contacted directly and reported, for example, to sexual or mud-style abuse in the online environment. You can ask them for advice, but through them you can also make a formal appeal, a crime report. Web constables communicate mainly in Estonian, Russian and English and operate mainly on Facebook, but on other platforms such as VK.com and Odnoklassniki.ru. There are web constables now in all the 4 police regions in Estonia.

Police monitors regularly within their outreach work the advertisements of purchasing sex in order to identify possible crimes of pimping or sexual exploitation for the purposes of THB.

Vihjeliin (www.vihjeliin.ee) is a free online service (hotline) of the Estonian Union for Child Welfare which enables Internet users to provide information about material being distributed online which depicts illegal content – the sexual abuse or exploitation of minors and child trafficking. The aim is to remove such online material. Information can be submitted anonymously. Any information received by the hotline is handled as soon as possible, but not later than within 48 hours of receipt of the message. If the message includes information about an online environment that displays illegal material, the country of location of this environment will be identified and information passed on either to the Estonian Police and Border Guard Board or the respective country's similar hotline service provider that cooperate with their local police. In 2021, nearly 900 reports were received and handled. For providing the hotline service, the Estonian Union for Child Welfare works closely with law enforcement authorities, Internet service providers and non-profit organisations, and such international networks as INSAFE and INHOPE. For more information: <https://vihjeliin.targaltinternetis.ee/en/>.

- e. financial investigations to disrupt criminal money flows and ensure asset recovery;

In the framework of the trafficking procedure, there is often a financial investigations ongoing and cash flows are investigated. Criminally obtained property can be seized and confiscated. If there are signs of a money laundering offence, it will also be investigated. The legislation allows all this to be done – Estonian legislation complies with international standards and covers wide enough all the necessary aspects for financial investigations (including money laundering), identification of proceeds of crime and seizure and confiscation.

- f. use of joint investigation teams (JITs).

The basis of the joint investigation team is provided for in the Code of Criminal Procedure, section 471 of the CCP. Transnational research group. In the interests of the effectiveness of the pre-trial investigation of criminal offences, the establishment of an interstate investigation team may be

requested for the performance of clearly defined tasks within a certain period of time. The request must include a proposal for the composition of the research group.

In Estonia, an application for the formation of a joint investigation team is competent to apply for the formation of a joint investigation team to a foreign state by the Public Prosecutor's Office or an Estonian member of Eurojust. The decision on the formation of a joint investigation team on the basis of a proposal submitted to Estonia shall be made by the Public Prosecutor's Office or, with the permission of the Prosecutor General's Office, by concluding a corresponding agreement with the competent judicial authority of the foreign state.

g. use of joint investigation teams (JITs).

No JITs are established in the last years.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

There has been any experience of cases of THB for the purpose of the removal of organs.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

Pursuant to section 37 of the Code of Criminal Procedure, the provisions concerning a witness apply to victims in criminal proceedings, which means that, pursuant to section 67 of the Code of Criminal Procedure, a judge may, at the request of the Prosecutor's Office, make the witness anonymous to ensure his or her safety.

In addition, it is possible to implement the measures provided for in the Witness Protection Act, which can be applied during criminal proceedings and also after the end of the proceedings.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

Subsection 37 (2) of the Code of Criminal Procedure obligates the body conducting proceedings to assess whether there are circumstances which give reason to believe that a victim who is a natural person needs special treatment and protection in criminal proceedings and, if necessary, to take appropriate measures.

Pursuant to clause 38 (5) 3) of the Code of Criminal Procedure, a victim who is a natural person has the right to take one person elected by him or her to the procedural acts if the body conducting the proceedings has not reasonably refused to do so. It can be anyone, including a social worker or a representative of an NGO, etc.

In addition, the victim may have a representative (up to 3 lawyers) pursuant to section 41 of the CCP. A victim has the right to apply for legal aid at the expense of the state if he or she does not have the means to hire a lawyer or to use legal aid by the state (see <https://www.juristaitab.ee>). Specifically, they are explained earlier in point 42.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

Pursuant to section 8 of the Penal Code, the Penal Act of Estonia applies to an act committed outside the territory of Estonia, regardless of the right of the place where the act was committed, if the punishability of the act arises from an international obligation binding on Estonia. Estonia has acceded to many multilateral agreements, on the basis of which the principle of universality can be applied. The application of Estonian penal law is possible, among other things, for example, with the obligation made by the European Treaty to combat human trafficking.

Separately, there is a provision in section 435 of the Criminal Procedure Code which states that if the Penal Code of Estonia applies to a criminal offence committed outside the territory of the Republic of Estonia, the Prosecutor General's Office must be immediately notified of it, which commences criminal proceedings or verifies the legality and justification of commencement of criminal proceedings.

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

No JIT-s are established on the period of 2019-2021 for investigating trafficking cases, but cooperation within the investigative bodies from other countries, is good and practical. Estonian investigators are actively involved in the international trainings and this also allows us to get into contact with other states investigators from the same field and through later regular communication to be posted with the latest information and trends. Operational cooperation between different countries also allows us to control suspicions of THB.

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

Information flow with another partners is done through different channels, either Sirene, Interpol or with colleagues from other authorities and countries. If the level of information needs to be protected, then channels for this communication are available as well. With mentioned cases we don't have experience, so we are unable to bring examples.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

In Estonia the missing children [number 116000](#) is in use and this is acting 24/7 with constant cooperation with police, child protection and Emergency Response Centre.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

Social Insurance Board, the State institution responsible for organising victim support services, has the right to provide services itself, or find a non-state actor to do so. For many years, NGO Eluliin provided accommodation, legal, psychological, health counselling and support for victims via Ministry of Social Affairs and then via the Social Insurance Board, and NGO Living for Tomorrow provided anti-trafficking hotline service. All these services were paid by the state and active cooperation was taking place all these years. NGO LFT has stopped working on trafficking issues, but Eluliin is a member of national anti-trafficking roundtable, is always invited to events and discussions, and is important stakeholder when it comes to policy making and international cooperation as well. Estonia considers involving NGOs highly important, and this cooperation cannot be underestimated.

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

No such agreements concluded.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

No such situations have occurred. Persons for whom we have developed suspicions of human trafficking (presumed victims of human trafficking), for whom the connection has been thoroughly verified and for whom we have ascertained that they are not victims, generally wish to return to their country of origin at the earliest opportunity.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

Ministry of Education and Research

Ministry of Foreign Affairs
 Ministry of Internal Affairs
 Ministry of Social Affairs
 European Migration Network
 Labour Inspectorate
 Northern Prosecutors' Office
 Police and Border Guard Board
 Social Insurance Board

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?
 Ministry of Justice

E. Statistics on THB (per year, starting with 2018)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Table 1. Victims identified in 2018-2021

Year	Nr of victims identified, by whom	Nr of female	Nr male	Age	Citizenship	Form of exploitation	Internal/international
2018	10, 9 police, 1 NGOs	8	2	7 juveniles, 3 18+	estonian	All sexual	internal
2019	12, police	10	2	18+	estonian	10 sexual, 2 criminal activities	internal
2020	5, police	4	1	1 juvenile, other s18+	estonian	4 sexual, 1 criminal activities	internal
2021	None of the victims were identified, only presumed victims were identified.						

Number of presumed victims whom the competent authorities had "reasonable grounds" to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

Until 2019 we have had almost only Estonian people as victims, but since 2019 the situation has changed. In 2019-2021 we had migrant women and man related mainly to pimping cases and also labour exploitation cases detected as presumed victims.

Table 2. Presumed victims in 2018-2021

Year	Presumed victims of sexual exploitation	Presumed victims of labour exploitation
2021	28 presumed victims from Ukraine, Brasil, Kolumbia, Russia, Japan, Republic of Dominikan – 6 different countries. From 28 was 22 women (age 34, 48, 29, 35, 37, 33, 50, 51, 20, 33, 35, 28, 27, 28, 35, 35, 27, 27, 33, 28, 30), 2 men (age 48	7 (male, majority Ukrainians, adults)

	and 23) and 4 transgender (age 29, 38, 27 and 24)	
2020	17 presumed victims (foreigners) who were involved in criminal investigation (sexual exploitation).	12 presumed male victims (foreigners from Ukraine, Georgia and Belarus) who were not involved in criminal investigation (labor exploitation).
2019	Presumed victims (foreigners) who were involved in criminal investigation, in total 54 victims – from those 52 (women from East-European countries), 2 (men from Brazil and China).	111 presumed male victims (majority foreigners from Ukraine, who were not involved in criminal investigation).
2018	2 (female, Nigeria, adults)	33 presumed male victims (majority foreigners from Ukraine, who were not involved in criminal investigation).

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

None by the regulation from the Aliens Act (§ 205), but with the cases of the presumed victims of labour exploitation and also sexual exploitation the reflection period met by the Victim Support Act (§ 3 2⁴) has been used.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All of the victims and presumed victims mentioned above have got assistance from Social Insurance Board and also partly they have been assisted in the labour disputes by the Labour Inspectorate.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

There are no residence permits given for THB related crimes in the reporting period.

Number of victims given refugee status and subsidiary/complementary protection.

None.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

None.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

None, but there have been presumed victims (adult females) returning their home country with the help of IOM VARRE program, for example Social Insurance board assisted in year 2021 3 women to their homecountry by using help of IOM Varre program.

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

None.

Number of investigations into THB cases.

Number of prosecutions of THB cases.

Table 3. Number of crimes of trafficking (Penal Code § 133)

Year	Registered crimes	Prosecuted persons	Persons convicted
2018	4	9	4 (2 sexual/labour, 2 forced criminality); 3 estonian, 1 stateless)
2019	5	8	5 (2 not known, 3 forced criminality); 1 estonian, 2 russians, 2 stateless
2020	20	10	8 (2 unknown, 3 forced criminality); 8 estonians
2021	5	4	2 (forced criminality), estonians

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Number of judgments resulting in the confiscation of assets.

2018: The imprisonment for THB crimes were from 3-5 years, 3 persons got 4-5 years in total of imprisonment for THB and other crimes and 1 person was sentenced for 4 years conditionally under probation.

2019: The imprisonment for THB crimes were from 3-6 years, 5 persons got 9 months to 9 years in total for imprisonment of THB and other crimes and 3 persons out of 5 were sentenced from 2 years to 4 years conditionally under probation. From one person 5120 euros were confiscated and also from another other assets were confiscated: one car, several equipment for using in farming, construction and forestry (trimmer, brushcutter, chainsaw, disc cutter, etc) and also one snowblower.

2020: The imprisonment for THB crimes were from 3-9 years, 6 persons got imprisonment of THB and other crimes for 3-9 years and 2 of the persons out of 8 were punished conditionally for 5 years under probation and one with pecuniary sanction of 2500 euros. Also, one related company got pecuniary sanction of 8000 euros and from one person 5023 euros were confiscated and also several other assets like trimmer, brushcutter, chainsaw, disc cutter, snowblower, metal detector, bicycle. Also, there were civil court claims against 4 criminals in the total amount of 125 000 euros.

2021: The imprisonment for THB crimes were from 3 and 4 years and imprisonment of THB and other crimes were up to 4 years conditionally, narcotics and one weapon were confiscated. Civil court claims were for both criminals in total 21786 euros.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

None.

Number of convictions for the use of services of a victim of THB.

None.