

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



CP(2024)01

**Report submitted by the authorities
of Estonia
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2023)01 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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REPUBLIC OF ESTONIA
MINISTRY OF JUSTICE

Our Ref: 12.06.2024 No 9-2/4820-1

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

Dear Ms Petya Nestorova,

The Estonian replies to the recommendations made by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the second evaluation report published on 7 June 2023 are enclosed.

If you have any further questions about the report, we are at your disposal.

Yours sincerely,

Laidi Surva
Deputy Secretary General of Criminal Policy

Encl. Replies to recommendations on 15 pages.

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

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

1. *Strengthen efforts to prevent and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers and GRETA's Guidance Note on combating trafficking for labour exploitation, in particular by:*
 - *strengthening the capacity and mandate of labour inspectors to detect possible victims of human trafficking and refer them for identification and assistance;*
 - *establishing safe reporting and effective complaint mechanisms for workers, to ensure that victims of abuses or exploitative situations can refer their case without fear of repercussions;*
 - *ensuring that when joint inspections are conducted, the objectives of labour inspectorates and the role of the immigration authorities are clearly defined;*
 - *providing further training to labour inspectors, police officers and border guards on the characteristics of human trafficking cases for the purpose of labour exploitation;*

Joint inspection visits in cooperation with police, Labour Inspectorate (LI) and Tax and Customs Board (TCB) are carried out annually according to the proposals of the institutions. Police and Border Guard Board, Tax and Customs Board and Labour Inspectorate have a cooperation agreement under which joint inspections are being performed. The three different institutions share information for risk analysis purposes and plan joint targeted actions to use the resources effectively and cover all different areas (illegal employment of third country nationals, human trafficking related offences, labour exploitation, tax frauds, but also the protection of their rights). In 2024, the Labour Inspectorate published for the first time on its website (<https://www.ti.ee/en/news/first-time-labour-inspectorate-publishing-list-companies-will-be-inspected-year>) for prevention reasons a list of companies that are planned to be inspected during this calendar year, some of them jointly with the Police and Border Guard Board.

In 2023, police performed a total of 367 inspections, including 73 with TCB and LI, of which 25 with TCB only, 19 with LI only, and 29 with TCB and LI. Joint inspections in cooperation between all stakeholders are carried out according to the proposals of the institutions. 2,812 natural persons and 1,265 legal entities were inspected as part of the inspections. During control operations, emphasis is placed, among other things, on identifying possible signs of human trafficking.

Labour inspectors over the years have participated on the regular training done for all the stakeholders working with the THB matters. In 2023 joint training to the specialists (investigators from police and prosecutors' offices, labour inspectors, inspectors of tax and customs board, also victim support specialists and NGO representatives from NGO LifeLine) working with THB and related crimes, had around 100 participants, around 10 of them from Labour Inspectorate. The training concentrated attention both to labour and sexual exploitation and on support measures in organizations related to trauma-informed care and tips were given on the psychological coercion and interviewing techniques. Dutch colleagues introduced how they work with the labour exploitation cases and how they solve the THB cases with police and in labour inspectorate.

Additionally, the Labour Inspectorate thoroughly reviews and evaluates incoming reports of possible labour exploitation cases, which are submitted through various channels (complaints, tips, other notifications), and approaches the verification of information on a case-by-case and flexible basis. Furthermore, the statistics on labour dispute resolutions regarding problematic employers serve as a valuable source of information. Information is regularly consulted with the police, including discussions on how to tactically resolve cases and the significance of the circumstances of specific cases. Labour Inspectorate has been stable in carrying out awareness raising activities, like for example in October-November 2023, Labour Inspectorate carried out the information campaign "You are not alone at work". This is a continuation of the media campaign that took place in 2022, within the framework of which Ukrainian war refugees were informed about the service and help provided by the Labour Inspectorate. The purpose of the campaign was to raise the awareness of Ukrainian war refugees (including the entire population of Estonia) about the existence of the Labour Inspectorate, to help support a change in people's behaviour, to consolidate the knowledge that the Labour Inspectorate can be contacted for help and clarification free of charge. All campaign materials were also translated into Ukrainian and Russian. The campaign was carried out on social media (facebook, instagram, tiktok, youtube), online publications (media, Google ads), TV, radio, and great emphasis was placed on outdoor advertising, i.e. media surfaces located in public spaces (digital screens, posters in urban spaces, advertising spaces in shopping centres, public transport, etc.) In 17 different cities (where most war refugees live). One of the information transmission channels of the Labour Inspectorate is the Tööelu portal, which is currently available in Estonian, English and Russian: www.tooelu.ee. The portal also has a separate topic page on human trafficking/labour exploitation (also in 3 languages): <https://tooelu.ee/et/292/tooalane-arakasutamine>. In addition, the website of the Labour Inspection has a lot of information materials: <https://www.ti.ee/enetus-ja-teave/infomaterialid/trukised>, many of which are available not only in Estonian, but also in English and Russian. Paper publications (free of charge) are also available in the larger offices of the Labour Inspectorate, and we also distribute them at various events we participate in. Since a large number of Ukrainian war refugees who are potential victims of exploitation and human trafficking have come to Estonia in connection with the war in Ukraine, the Labour Inspectorate has started translating some of the most important information materials into Ukrainian as well, for example <https://www.tooelu.ee/en/392/ukrainian-war-refugees-and-employment-relations>.

Recent poll among Estonian people also shows the change in the awareness and understanding of people of THB crimes. For example the awareness of situations where people are not paid the promised salary or their identity documents are taken away when they start working, which is now considered violence by 84% and 87% of the population respectively, has increased significantly¹.

In 2024 labour inspectors also take part in the trainers' trainings of THB, which is meant to have a agent in the office to support and motivate specialists to handle cases, where there could be THB in place. In May 2024 there was a special training day for the labour inspectors in different levels (counselling lawyers, head of labour dispute committee, supervision inspectors, etc) for 50 people in total to discuss over the case law of the current cases with police and to gain recent information of the THB trends, data in Estonia, also information on the victim support and cooperation with other state agencies in detecting possible THB cases^[AL1]. At the training, among other things, the possibilities of enhancing cooperation between relevant institutions (the Social Insurance Board's victim assistance and the Police and Border Guard Board and Labour Inspectorate) were discussed.

¹ <https://sotsiaalkindlustusamet.ee/uudised/uuring-eesti-elanike-teadlikkus-perevagivallast-ja-inimkaubandusest-kasvanud>.

In 2023 is the first year, when in crime statistics the number of labour exploitation cases are relevantly increasing and in the last year, they composed majority of the registered THB crimes (13 out of 14). This is a sign from the dedication from the labour inspectorate, police, and social insurance board.

- 2. Increase efforts to detect potential victims of human trafficking in the context of border controls and refer them to assistance. In this context, the Estonian authorities should ensure, at both legislative and operational level, that pre-removal risk assessments prior to all forced removals from Estonia fully assess the risks of trafficking or re-trafficking on return, in compliance with the obligation of non-refoulement. The Estonian authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection;*

EU is stepping up the fight against migrant smuggling and trafficking in human beings. Countering THB is a priority on EU level. At the end of the 2023, the European Commission came out with the [Call to action on a global level to counter migrant smuggling](#). The Call also address the strong links between migrant smuggling and human trafficking. In 2023 Estonia has become a [member of Global Alliance to Counter Migrant Smuggling](#), initiated by the European Commission President von der Leyen on 13.09.23.

The European Council is managing a Commission Proposal for a Regulation on enhancing police cooperation and exchange of relevant information in relation to the prevention, detection and investigation of migrant smuggling and trafficking in human beings, and on enhancing Europol's support to preventing and combatting such crimes. Regulation is a part of a series of measures, and also include the Proposal for a Directive of the European Parliament and the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

On 27 May 2024, the European Council has adopted new rules² as the proposal for directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims to reinforce the fight against trafficking in human beings. These rules provide stronger tools for law enforcement and judicial authorities to investigate and prosecute new forms of exploitation, including those that take place online and will ensure a higher level of assistance and support to victims and Member States have 2 years to transpose the changes of the new directive.

According to Obligation to Leave and Prohibition on Entry Act the Police and Border Guard Board is required to assess the risk of non-refoulement for each migrant before issuing a return decision. Risk-assessment in the border control includes also looking at the risks of trafficking and border guards are trained to use risk-assessment tools.

As part of the Pact on the Migration and Asylum a new Regulation on screening of migrants³ (hereinafter *Screening Regulation*) has been adopted. The aim of the Screening Regulation is to ensure that all third country nationals entering the EU without fulfilling the entry conditions, regardless whether they have made an application for international protection at the external border or within the territory, are subjected to screening. The screening consists of a health and preliminary vulnerability check, an identity check, registration of biometric data and a security check. The preliminary vulnerability checks should be carried out only by specialised personnel of the screening

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0732>.

³ Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817.

authorities to identify persons with indications of being vulnerable, of being victims of torture, human trafficking or other inhuman or degrading treatment. The Screening of third- country nationals, including possible victims of human trafficking contributes to ensuring that they are referred efficiently to appropriate procedure at the earliest stage possible and that those procedures are continued without interruption or delay. The Screening Regulation shall apply from 12 June 2026.

3. *Take further steps to improve the identification of victims of human trafficking, and in particular to:*
- *ensure that the formal identification of a person as a victim of human trafficking does not depend on the opening of a criminal investigation into human trafficking or a related offence;*
 - *ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for under the Convention;*
 - *pay increased attention to the proactive detection of victims of trafficking among undocumented migrants and asylum seekers, allowing sufficient time to gather necessary information and taking into account their traumatic experience. In this context, further training on the identification of victims of human trafficking and their rights should be provided to law enforcement officials, border guards and prosecutors;*
 - *improve the proactive identification of victims of human trafficking for the purpose of labour exploitation, especially among foreign nationals;*

Since 2023 new Victim Support Act is enforced and new Estonian National Referral Mechanism is in process of working out replacing due time guidelines of victim assistance and identification of victims. There are principles of victim treatment, gender sensitivity and child victims in the new NRM. Also, there are instructions of victim identification, primary support and protection, long term support and social inclusion, criminal proceedings, and safe return.

EU anti-trafficking directive and victim support directive are bringing new considerations for the further years. These changes are big changes to better identify victims of trafficking. Since 2021 the services to THB victims are centralized and the experience shows that this decision was correct. The services which needed are publicly procured from the Social Insurance Board, but the coordination of the services provided, stays in the Social Insurance Board (SIB). The initial assessment of the victim's need for help is now carried out by all SIB counsellors using the guidelines of identification and risk-assessment tools from it. Certain ways of how and what kind of information is transmitted have been improved and agreed upon between SIB and police and over the case law and cooperation they held also regular meetings.

Social Insurance Board always leaves as part of the counselling the points to consider, and the points agreed on the meeting with the client, on paper. So that person would have information later to look at.

There are two bigger ISF funded projects for supporting professional development and awareness raising during different stakeholders in recognising THB. In frame of the European Commission co-funded ISF project „Alert helpers! – Building collaborative capacity for identification and assistance of THB victims in Estonia“ there has been 6 trainings carried out for the large scale of interested counterparts starting from probation to social affairs with the message to be the first notifiers of the suspicion of THB.

In 2023-2024 with CBSS the compilation of information on the national and transnational referral processes for victims of human trafficking (THB) in the 10 CBSS Members states (Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Sweden) is ongoing to update the

existing Baltic Sea Region Transnational Referral Mechanism (TRM), including adding a child-focused perspective and the guidance with the results of the stakeholders meetings from these countries will be ready in 2024. The discussions in Estonia have been that with children Barnahus might become a central assistance provider in THB matters, but in the end the central coordination still relies in SIB.

In 2023 implementation of giving of reflection period and granting of the temporary residence permit has been done, in one registered THB case of trafficking granting reflection period and temporary residence permit by the prosecutor for foreigners was done.

Regards foreign nationals, then awareness raising activities dedicated to foreign workers is in preparation by the Ministry of Justice together with other stakeholders. The public procurement is planned for the second half of 2024.

All notices and observations given by citizens about hints of THB and partner institutions will be sent to the Police tip mailbox thb.info@politsei.ee (operating from 05.2022). The Police has agreed on the rules for the further handling of THB suspicion reports both within the institution and with partner institutions. According to the agreement, THB suspicion reports are at first controlled by the police, and verified reports are discussed together with the prosecutor's office, during which a decision is made on whether to initiate criminal proceedings. Messages with results are entered into the database. Feedback is given on the information sent from the partner institutions, which is forwarded to the partner institution that forwarded the message through the agreed channels.

Taking into account the obligations arising from the Screening Regulation⁴ and the revised Directive 2011/36/EU (EU Directive against Human Trafficking) national legislation, incl referral mechanism to identify and support victims of human trafficking will be updated by June 2026.

4. *Comply with their obligations under Article 12 of the Convention, and in particular:*
 - *set up, as a matter of priority, specialised accommodation facilities for victims of human trafficking and ensure that accommodation is gender-sensitive, appropriate and safe, and that victims are provided with specialised services;*
 - *ensure that social, legal and psychological assistance is provided for to presumed and formally identified victims of trafficking as long as necessary and is not discontinued if no criminal proceedings are initiated;*
 - *ensure that adequate state funding is dedicated to the provision of specialised assistance and safe accommodation of victims of trafficking;*
 - *ensure that foreign victims are properly informed about their rights and in a language that they understand and receive adequate assistance, including by ensuring the involvement of qualified interpreters;*
 - *facilitate the reintegration of victims of trafficking into society and prevent re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market;*

As it was explained in the evaluation visit, then there are no specialised shelters for THB victims currently operational in Estonia. From 2021 Social Insurance Board has concluded a contract for safe temporary accommodation of victims with 5 accommodation establishments (contract involves strict safety, data protection rules, access for people with disabilities and this practice is working. For availability matters, the room must be ready in 1h hour after making a call by authorized specialist and

⁴ Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817.

it is taken care of that hotel staff is trained. Social Insurance Board can direct women, men, transsexuals and, if necessary, children to accommodation, where cleanliness, safety and catering are ensured. Victims feedback has been positive. SIB have also used a suitable option for victims for longer term period and there were used with two cases and worked our well.

New procurement is done annually, and this allows to:

- o make the existing service(s) even more efficient,
- o provide the service(s) from different possible partners, organizations, institutions.

In the investigations victim rights information sheet is provided to the victims of crime, icl THB victims and explanations about the rights are given throughout the investigation and in any of the counteract with the stakeholders (also Labour Inspectorate and Social Insurance Board) of working with anti-trafficking questions. The updated sheet is available in 3 languages: Estonian, Russian, and English⁵ and information about the rights of being the victim of crime is also described for adults in the victim support website⁶ and for children involved in proceedings on the child friendly justice website⁷. These websites are updated regularly and are meant for the victims and related counterparts to explain them the procedures they are about the experience to avoid re-victimization and to support them with valid information. Victims have the possibility to turn to Estonian Unemployment Board using for this [suitable channels](#). There are several labour market support measures ([unemployment allowance](#), help for job search, [training, career counselling, job club](#) etc) There is also possibility to apply for [work ability assessment and allowance](#) More information is available here <https://www.tootukassa.ee/en/lost-my-job>; <https://www.tootukassa.ee/en/vahenenu-toovoime/toovoime-hindamine>; contacts are available here <https://www.tootukassa.ee/en/contacts>.

The task of the first responder (either police or somebody else) is always to assess the needs of the victim, and based on this, victim support is involved, who already offers services based on the needs. 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 Social Insurance Board in offering victim support services that the services are provided to the victim are coordinated with him or her and informed about them. Therefore, each victim receives an information package from SIB (in Russian, English, Spanish, Portuguese) with a section with the question of the customer's consent.

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. For example, in Victim Support and Prevention Services Department victim support specialists are working in different sites all over Estonia. Victim support specialists are situated at the police stations, and they have closest contact with the local municipalities and their specialists and services. There is close cooperation between human trafficking counsellor and local victim support specialist in human trafficking prevention, noticing presumed victims and case management level. 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 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

⁵ <https://www.just.ee/kuritegevus-ja-selle-ennetus/ohvrite-toetamine/kuriteohvrite-oigused>.

⁶ <https://abiksohvriile.just.ee/et>.

⁷ <https://lapsesobralikmenetlus.just.ee/et/avaleht>.

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. 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 internationalization, 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. 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 also needed materials in Spanish, so that main supportive material for the victims is also available in Spanish. In case there is a correspondence with victims via e-mail: inimkaubandus@sotsiaalkindlustusamet.ee, then workers are answering in Russian and in English in addition to Estonian.

5. *Improve the identification of, and assistance to, child victims of trafficking, in particular by:*
 - *ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking for different purposes of exploitation;*
 - *providing further training to relevant professionals (police, child protection authorities, social workers, health professionals, asylum officials) as well as guidance for the identification of child victims of human trafficking for different forms of exploitation;*
 - *increasing efforts to identify and refer to assistance child victims of human trafficking who are foreign nationals, taking into account GRETA's Guidance Note on addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis;*

There are little experiences with working with child victims, but the willingness is there, in the Social Insurance Board and so far, individual case management and child friendly child specific solutions have been in use. Barnahus might become a central assistance provider for children who are trafficked. In this way still Social Insurance Board stays central focal point as for the adult services, because Barnahus belongs to this system.

Barnahus, or the children's house model, is a good practice used in Estonia by Social Insurance Board since 2017 and Estonia has been implementing the Barnahus model and four children's houses have been set up (in Tallinn, Tartu, Jõhvi and, since October 2022, in Pärnu). Barnahus model in Estonia could be in use in human trafficking cases involving children. The recent amendment to the Child Protection Act (from 2022) provides that the local government's child protection services must refer a presumed sexually abused child (including presumed victims of THB) to a children's house (Barnahus), so that by the legislation assisting children of sexual exploitation is already regulated. But, Barnahus could also assist children of being victims of any other kind of THB as well. Multidisciplinary and interagency Barnahus model is a key in providing services for all children who are victims of violence, including child trafficking.

Barnahus and child helpline personnel were eager to participate in ABC training courses, which were carried out in autumn 2023 until spring 2024 and also discussions were held so that they also would participate in trainers trainings in the fall 2024.

6. *Review the provisions and application of the recovery and reflection period with a view to ensuring that:*

- *all possible foreign victims of trafficking, including EU/EEA nationals, are systematically informed of the possibility to benefit from a recovery and reflection period and are effectively offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period;*
- *the relevant authorities are informed of the State's positive obligation to grant a recovery and reflection period to all possible victims of human trafficking, whether or not such a request is made by the presumed victim;*

The regulations of the state regards reflection and recovery period correspond to the requirements of the EU Directive 2004/81/EC⁸. According to Article 205 of the Aliens Act the recovery and reflection period shall be granted by the prosecutor's office to the victim of human trafficking without request. The prosecutor's office or on the order of prosecutor's office an investigation authority has an obligation to notify the victim of human trafficking of the services offered during the recovery and reflection period as well as of the possibilities and conditions of the issue of a residence permit (Article 204 of Aliens Act).

In 2023 one case of trafficking in the investigation also consisted application of the reflection period and asking for the temporary residence permit by the prosecutor for the foreign victims.

7. *Facilitate and guarantee access to compensation for victims of trafficking, including by:*
- *ensuring that all victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;*
 - *enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials, prosecutors and the judiciary;*

No concrete cases from recent times, but state pay compensation for crime victims when:

- 1) The crime took place on the territory of the Republic of Estonia, and victim is Estonian citizen. If victim is foreigner, then must be a legal basis for staying in Estonia.
- 2) Victim reported the crime within 15 days of the crime, and criminal proceedings have been initiated in the case.
- 3) Victim is willing to fully cooperate with the relevant law enforcement agency in order to find out the circumstances related to the crime and the criminal.
- 4) Victim has suffered serious physical injuries because of a crime, the event affects victim's mental health, and as a result, victim has also suffered material damage. The connection between severe health damage and violent crime is evaluated by an expert physician of the Social Insurance Board.

Crime victim compensation can help cover:

- 1) The victim's treatment costs (appointment fees, rehabilitation, medicines, travel costs to and from the treatment facility, and other costs related to the restoration of physical and mental health).
- 2) The victim's glasses, aids, and other personal items that were destroyed or damaged during the crime.
- 3) Loss of income for the victim and the victim's caregiver, who nurses the victim based on a certificate for care leave.

⁸ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

Crime victim compensation system will be reorganized next year, but the basic principles outlined earlier will remain the same.

8. Bring the definition of human trafficking into conformity with Article 4 of the Convention without further delay, in particular by:

- *including the component of “action” in the definition of human trafficking under Article 133 of the CC;*
- *ensuring that all the “means” provided for in the Convention are adequately reflected;*
- *including forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs among the forms of exploitation under Article 133 of the CC;*
- *clearly stating the irrelevance of the consent of a victim of human trafficking to establishing a trafficking offence where any of the means have been used;*

9. Take further steps to ensure compliance with the principle of non-punishment of victims of human trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention, in particular by:

- *adopting a specific provision and/or developing guidance for police officers and prosecutors on the scope of the non-punishment provision;*
- *including the non-punishment provision in the training of law enforcement officials, prosecutors and judges;*
- *ensuring that the non-punishment provision is capable of being applied in practice to all offences that victims of trafficking were compelled to commit, including migration related offences, by ensuring that victims are promptly identified as such and receive adequate support from their first contact with law enforcement agencies;*

An analysis of the penal provisions of human trafficking has been done in 2022, the conclusions and proposals will be considered during the procedure to amend the Trafficking in Human Beings Directive. The proposal for the directive was approved in 27.05.2024.

The Ministry of Justice will start preparing the transposition of the Directive in the second half of 2024. All the amendments necessary for the transposition of the Directive will be made at the same time and can be reported at the earliest by the end of 2025.

10. Take further measures to ensure that human trafficking cases are investigated proactively, prosecuted successfully and result in effective, proportionate and dissuasive convictions, including by:

- *strengthening the capacity to locate, seize and confiscate assets of the traffickers by carrying out proactive investigations, including financial investigations related to trafficking offences;*
- *providing further training to police officers and prosecutors to investigate and prosecute cases of human trafficking for the purpose of labour exploitation, including through co-operation with other relevant actors and countries;*
- *further developing the specialisation of investigators, prosecutors and judges to deal with human trafficking cases.*

Annual statistics of the crimes registered in Estonia, incl trafficking is here: <https://www.just.ee/kuritegevus2023/inimkaubandus/>. The last year, year 2023 shows in the statistics, that dedicated cooperation and trainings, also agreements over the working procedures between several important stakeholders is seen in the number of crimes of trafficking. The first year ever majority are labour exploitation cases. Over the years labour exploitation has been a priority

subject in the detection of THB crimes and cooperation to gain the investigations of these crimes. Now, we can say, that all this work done for professional development is resultative and effective.

Police, prosecutors' office, labour inspectorate and social insurance board all of them pay relevant attention to the trainings of the THB theme to their officers and specialists in all levels in order them to be ready to be noticing, early identification and reacting to THB. In 2023 trainers training was put together and now it is held in regions of Estonia in total 6 times. This also gives the possibility to find anti-trafficking agents in the offices of the named authorities and also in the Unemployment Fund and Youth organizations.

Annual trainings take place for all beforementioned specialists and the content is decided together on the national round-table meetings, so that the voices and interests of the participants are heard in order to get the trainings for them which interests them. For example in 2023 joint training to the specialists (investigators from police and prosecutors' offices, labour inspectors, inspectors of tax and customs board, also victim support specialists and NGO representatives from Eluliin) working with THB and related crimes, had around 100 participants. Training concentrated attention both to labour and sexual exploitation and on support measures in organizations related to trauma-informed care and tips were given on the psychological coercion and interviewing techniques. Collaboration was made with Netherlands and Finland in sharing their experiences through the speakers of these countries.

Awareness raising activities, education and trainings are in huge increase, because we have asked the support and got it to implement these activities from ISF funds up to the year 2029. Namely, two European Commission co-funded ISF projects „Prevention of serious undercover crime“ and „Alert helpers! – Building collaborative capacity for identification and assistance of THB victims in Estonia“ started in 2023. The total budgets of the projects are 510 000€ and 484 521€ respectively. The two projects complement each other and are jointly managed. Different activities are aimed at different target groups, the overall aim is to raise general awareness of the population, starting with youth (high school level) via conducting in-person classes on THB prevention, creating interactive lesson materials on THB and training teachers to use these materials at schools. Media campaign activities are planned for 2024 and 2026 addressing mainly foreign workers in Estonia, helping them become informed about their labour rights and bridging the gap so they find help easily if needed. Second main aim is to widen the circle of specialists who can detect and assist possible THB victims – this is done via various in person trainings in different parts of Estonia. introductory trainings are followed up with further trainings to interested partners, we also train trainers on THB and create an e-course for specialists. Also, as mentioned before, we are developing a specialised e-course on abuse and THB prevention for hotel and restaurant workers. This e-course will be added as part of onboarding program for workers at hotels and restaurants.

In addition to Ministry of Justice coordinated projects the ISF project "Increasing cooperation with third countries for the prevention of crimes of human trafficking" led by police will start in 2024, with a budget of 200,000 euros. Firstly, the focus is on cooperation with Moldova and then with Ukraine. Within the framework of project joint meetings will be organized to raise the awareness of the countries and exchange experiences in the fight against THB crimes. There are also plans to find overlaps or opportunities in joint procedures.

One of the sustainability preventive measures worked out from the recent ISF international projects are e-learning courses, which are worked out for the specialists for now and to be used in the future. E-learning course on trafficking for teachers and stakeholders working with THB crimes and hints is in the process of working out and trainings are held together with the e-learning course if these are completed.

Couple of good cooperation examples with private sector:

- 1) A special ABC training on THB awareness and prevention was held for hotels and restaurants sector representatives in fall 2023, 25 hotel managers attended. We are in addition to the e-courses also developing a specialised e-course on abuse and THB prevention for hotel and restaurant workers. This e-course will be added as part of onboarding program for workers at hotels and restaurants.
- 2) Institutions that offer temporary safe accommodation receive about 3 hours of training on the topics of violence and human trafficking by SIB (they do not deal with victim counselling). The case of a human trafficking victim and organizational issues are dealt with 24/7 by SIB's human trafficking victim support service advisors.

Financial investigations are normal part of the THB investigations and as 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. Identification of criminal proceeds is also a priority in other types of crime, therefore trainings/information days on identification of criminal proceeds are held at police regularly, the same is in raising the awareness of investigators in the areas of analysis and surveillance. Some examples of good practise are: In 2023 and 2024, an information day for bank employees on what to watch and what to pay attention to in the case of money transfers was held by police and also a week-long training on fighting white-collar crime took place under the leadership of the police, which focused on financial investigations.

In May 2024, the Labour Inspectorate organized additional training on this topic for all its employees (labour inspectors, consulting lawyers, heads of labour dispute commissions), who may come into contact with victims of human trafficking or serious labour exploitation in their daily work, in order to increase and/or update the employees' knowledge and skills.

Other general recommendations

1. National rapporteur (point 19)

As national coordination is also regulated in the latest changes of the EU directive of trafficking, then question about the national rapporteur will be considered during the procedure to transpose the Trafficking in Human Beings Directive in the forthcoming years.

2. National developmental plan and evaluation (point 24-25)

National developmental plan is in implementation, annual reports are done for the years 2021-2023. The evaluation of the national plan is planned for the late 2025 and this is also an activity described in the government work plan with the responsibility of the minister of justice.

3. Integration of the trainings to the curricula of the basic education (point 33)

For the police the trafficking theme is integrated to the curricula of the police studies, also there is a special course for the lawyers in Tartu University. E-learning course is in compilation, will be ready in 2024 and this will could be used as part of the basic trainings for the specialists getting into contact and working with THB matters.

4. Collecting, analysing, and updating the systematic collection of statistics (point 38)

As collection of statistics in EU is also regulated in the latest changes of the EU directive of trafficking, then question about this matter will be considered during the procedure to transpose the Trafficking in Human Beings Directive in the forthcoming years, but most of the asked data we collect already now and send to Eurostat and UNODC. Annual statistics of the crimes registered in Estonia, incl trafficking is here: <https://www.just.ee/kuritegevus2023/inimkaubandus/>. The statistics also contain information about the number of the calls to the hotline and identified victims of THB.

5. Research (point 41)

Research through foreign projects are done regularly and also in cooperation with European Migration Network. The latest population survey of the spread and awareness of sexual violence and online surveys have been carried out has done recently, in spring 2024: <https://www.sotsiaalkindlustusamet.ee/uudised/uuring-eesti-elanike-teadlikkus-perevagivallast-ja-inimkaubandusest-kasvanud>.

Main changes from the recent population study:

- The recognition of situations of violence related to human trafficking has somewhat increased. In all the described situations of violence related to human trafficking, the proportion of those who experienced these situations has increased. The biggest change is seen in the cases where in the workplace work is done, but wages are not paid - the proportion of those who consider this situation to be violence has increased by approximately 19% (65% in 2014, 63% in 2016 and 84% in 2024).
- Attitudes towards those involved in prostitution have changed less over the years. In comparison with previous studies, there is a downward trend in the opinion that prostitution damages Estonia's image (70% in 2014, 64% in 2016 and 62% in 2024). At the same time, compared to 2016, there are more people who consider prostitution to be violence against women (58% in 2016, 62% in 2024) and those who believe that buying sex should be banned (53% in 2016, 59% in 2024).
- Approximately one third (32%) of the population feels an increase in self-awareness of human trafficking in the last 7 years.

6. Awareness raising (point 47, 65)

Awareness raising activities, trainings, are done regularly, but we can confirm that awareness raising activities, education and trainings are in huge increase, because we have asked the support and got it to implement these activities from ISF funds up to the year 2029.

Two European Commission co-funded ISF projects „Prevention of serious undercover crime“ and „Alert helpers! – Building collaborative capacity for identification and assistance of THB victims in Estonia“ started in 2023. The total budgets of the projects are 510 000€ and 484 521€ respectively. The two projects complement each other and are jointly managed. Different activities are aimed at different target groups, the overall aim is to raise general awareness of the population, starting with youth (high school level) via conducting in-person classes on THB prevention, creating interactive lesson materials on THB and training teachers to use these materials at schools. Media campaign activities are planned for 2024 and 2026 addressing mainly foreign workers in Estonia, helping them become informed about their labour rights and bridging the gap so they find help easily if needed. Second main aim is to widen the circle of specialists who can detect and assist possible THB victims – this is done via various in person trainings in different parts of Estonia. introductory trainings are followed up with further trainings to interested partners, we also train trainers on THB and create an e-course for specialists. Also, as mentioned before, we are developing a specialised e-course on abuse and THB prevention for

hotel and restaurant workers. This e-course will be added as part of onboarding program for workers at hotels and restaurants.

In addition to Ministry of Justice coordinated projects the ISF project "Increasing cooperation with third countries for the prevention of crimes of human trafficking" led by police will start in 2024, with a budget of 200,000 euros. Firstly, the focus is on cooperation with Moldova and then with Ukraine. Within the framework of project joint meetings will be organized to raise the awareness of the countries and exchange experiences in the fight against THB crimes. There are also plans to find overlaps or opportunities in joint procedures.

7. Cooperation between stakeholders (point 58), special attention to children (64)

The Labour Inspectorate carries out inspections over undeclared and illegally working persons in cooperation with the Police and Border Guard Board and the Tax and Customs Board and with police there are contracts to regulate the cooperation. In addition, cooperation mechanisms are agreed between stakeholders dealing with case work and NREM is in the process of working out and will in the future regulate the matter.

Special guidance on developing comprehensive, child-centred cooperation to identify, support and assist trafficked children and to prevent child trafficking is worked out within the Baltic Sea States region and in Estonia central coordination is done in Social Insurance Board.

8. Measures to grant social, economical and also gender-based measures to vulnerable groups (point 71)

Wider range of labour market services are offered by Estonian Public Employment Services to support job search, finding decent employment offers and improving labour market perspectives of people, including people in disadvantaged socio-economic situation. From 1st January 2024, the new [Labour Market Measures Act](#) and the new Employment Programme for 2024–2029 entered into force that stipulate the overarching principles governing the provision of labour market measures and specify the eligible recipients and the types of labour market measures provided.

In 2023, the government adopted a new governmental level wide-scale national strategy Welfare Development Plan for 2023-2030, which outlines five sub-goals, including gender equality and equal opportunities. It seeks to achieve gender equality by enhancing economic equality, increasing women's participation in decision-making processes, transforming societal attitudes, and strengthening institutional capacities to promote gender equality. The working programmes of the strategy are being updated every year to ensure and monitor the effective implementation of the strategy.

Draft Gender Equality and Equal Opportunities Act has been prepared to merge the Gender Equality Act and the Equal Treatment Act and to strengthen the protection of rights presently provided by both acts. The draft law is expected to be presented to the Government of the Republic by autumn 2024. The draft especially widens the more limited scope of protection presently provided on grounds of religion or other beliefs, age, disability, or sexual orientation in the Equal Treatment Act. After the adoption, the new law, including the prohibition of direct, indirect, and intersectional discrimination, would be applicable in all fields of societal life for all protected grounds. The draft also lists additional protected grounds, such as e.g., language, origin, property, and social status, and leaves the list open for other objectively identifiable real or perceived characteristics of a person that can be the basis of social prejudice, exclusion or stigma rooted in social, political, or institutional practices. The new law would also provide the Estonian equality body – the Gender Equality and Equal Treatment

Commissioner – with some new possibilities to support persons in case of discrimination. For example, with the persons' consent and on her or his behalf the Commissioner would have a mandate to apply to the court for the protection of the rights of the discriminated person.

Systematic gender mainstreaming remains a challenge. In 2023, online courses were launched for policymakers to enhance their knowledge of gender equality and gender mainstreaming. In addition to e-courses, in 2024, face-to-face continuation seminars for policymakers from various ministries, are taking place. In the coming years, there will be even greater emphasis on training policymakers, promoting collaboration networks to support gender mainstreaming capacity, and developing a national operational model for better implementation of gender mainstreaming in policymaking.

In the period 2022-2024 several efforts have been taken to tackle gender inequality including to tackle gender pay gap. In 2023, the gender pay gap in Estonia reached an all-time low of 13.1%. While still high, this represents a significant decrease of more than 10 percentage points compared to the last decade. In 2024 new digital tool, called Pay Mirror was introduced, allowing employers to monitor the gender pay gap and other gender equality indicators within their organizations using administrative data. This tool enables quarterly monitoring of the gender pay gap situation without administrative burden, aiming to raise employers' awareness and strengthen their role in reducing the gender pay gap and contribute to gender equality.

Various measures are also being implemented to tackle horizontal and vertical segregation. Since 2023, we are implementing a range of initiatives supported by European Structural Funds, with the primary goal of diminishing gender stereotypes and fostering gender balance in sectors marked by notable segregation, such as STEM and ICT, as well as education, health, and welfare. These initiatives include conducting research, designing, and executing training modules for career counsellors, executing awareness campaigns to mitigate the influence of gender stereotypes on educational and career decisions, and endorsing non-traditional career paths. Furthermore, the Ministry of Economic Affairs and Communication plans to facilitate collaboration through open calls, supporting employers, educational institutions, HR professionals, career counsellors, and other stakeholders in preventing and reducing gender segregation in education and the labour market. The open calls will commence at the end of the year.

9. Ratification of the convention of organ trafficking and trainings related to this (points 77-78)

It is Estonia priority to ensure that Estonia's legislative and operational frameworks are robust enough to address this complex and heinous crime effectively. 01.01.2024 forced into law new Procurement, Handling and Transplantation of Cells, Tissues and Organs Act (<https://www.riigiteataja.ee/en/eli/508012024006/consolide>). There are written that consent of living donor is mandatory and if this requirement is violated, there is a penalty.

Estonian authorities acknowledge the critical role that health professionals play in preventing and detecting trafficking in human beings for the purpose of organ removal. There are regular trainings for health professionals where they also talk about removal of organs.

10. Cooperation with NGOs and private sector on prevention of exploitation (points 82, 192)

One example of the effective cooperation is describer earlier with restaurants and hotels association and also NGOs work actively with national stakeholders in national roundtable. For example colleagues from NGO Refugee Council participated in several trainings of THB in last year, also on the trainers

training to raise awareness in their organisation and also to work with demand reduction and prevention of THB in their special fields.

11. Child-friendliness and child best interest (point 120).

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 interests of the child are the primary consideration also in all actions carried out by the Police and Border Guard Board.

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 is a 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. Therefore, age assessment is carried out only in cases of serious doubt about the person's age. If necessary, the Police and Border Guard Board assists in the verification of the victim's age. The Police and Border Guard Board must explain the rights and duties of the participant in the proceedings, interpreters or translators are provided if needed.

Unaccompanied minors are identified primarily on the basis of their own statements, appearance, behaviour etc. In case of serious doubt medical tests may be used, for which 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).

In Estonia, unaccompanied minors are under guardianship of the local municipalities, like any other child without parental support. The local municipality ensures that a legal guardian is appointed to the minor as soon as possible, who is then responsible for representing and assisting the minor in all legal and social protection matters.

12. Investigation of the cases of the foreign victims, incl right to reflection, temporary residence permit, etc (points 132, 149, 182, 188)

As written above in 2023 one case of trafficking in the investigation also consisted application of the reflection period and asking for the temporary residence permit by the prosecutor for the foreign victims and it was granted. According to Aliens Act § 208 period of validity of temporary residence permit issued for participation in criminal proceedings shall be issued for six up to twelve months on the application of the prosecutor's office and shall be extended for the term stated in the application of the prosecutor's office, but for no longer than for twelve months at a time.

Estonia continues its cooperation with various countries of origin. At the Estonian Embassies, we organise meetings with representatives of third countries, where we introduce them the processes of return of Estonia and establish contacts to improve cooperation.

13. International cooperation (point 188).

More described in the earlier answer to recommendations, but after the evaluation in 2022 most of the work is done with CBSS and also under the auspice of the ISF funded project also with third countries, like Moldova, Ukraine and Central-Asian countries, Uzbekistan.