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Estonian national context of the fight against sex trafficking among women and girls

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Introduction

Today Estonia is a country of origin, transit, and destination for victims of trafficking in human beings (THB). Sex trafficking of women and girls remains the most widespread form of THB in national context. In 2017, 93 criminal offenses related to THB were registered in Estonia (2016: 94); 67 of them, were related to sexual abuse of trafficked juvenile and children aged 3 to 18 years (2016: 59; 2015: 63). In total, during the period 2014-2016, 19 children and two adult women were officially identified, as a victim of THB for purpose of sexual exploitation. The majority (85%) of victims were Estonian nationals, who were exploited inside the country, which is showing the prevalence of domestic trafficking in national context. The increase in the number of criminal investigations (as in cases of children’s sex trafficking), demonstrates the increased competences of national authorities to identify and prosecute crime. As well, during past decades and a half, Estonia achieved a significant progress in the process of protection of the victims in the country. Today Estonia fully meets the minimum standards for the elimination of trafficking and in 2018 was upgraded to Tier 1 countries, according to U.S. classification. The latest challenges for the country are related with the strengthened role of Estonia as destination country for THB. The latter with a new force raises the issues of necessity of effective steps to prevent crimes related to human trafficking.

1. Legal and policy framework of Estonia in the field of action against trafficking in human beings

1.1. Legal framework

Today, Estonian counter-trafficking legal framework is based on norms of the Criminal Code (CC), Victim Support Act (VSA) and Aliens Act (AA). In the national Criminal Code, trafficking in human beings is indicated as crime since the year 2012 and represented in the section of Offences against Liberty under Article 133 (“trafficking in human beings”), which is complemented by Article 133’1 (“facilitating human trafficking”).

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Additionally, in Estonia following crimes are considered in the context of THB: Article 175 (“human trafficking in order to take advantage of minors”), Article 133’2 (“pimping”), Article 133’3 (“aiding prostitution”), Article 138 (“illegal conduct of research on a human being”), Article 138’1 (“forcing a person to donate organs or tissue”), Article 139 (“illegal removal of organs or tissue”) and Article 140 (“inducing a person to donate organs or tissue”). Recent updates of regulations concerned the criminalisation of buying of sex from a victim of trafficking (entry into force 06.07.2018) and, earlier, in 2013 entered into force the prohibition of buying of sex from minors, which was reflected in Article 145’1 “buying sex from minors”.

The national Victim Support Act (VSA) provides the basis for state organisation of victim support. According to norms of the VSA, identified victims of trafficking in human beings and sexually abused minors have the right to receive the following services from the Estonian state: 1) assisting victims in communicating with state and local government authorities and legal persons; 2) ensuring safe accommodation; 3) ensuring catering; 4) ensuring access to necessary health services; 5) providing necessary material assistance; 6) providing necessary psychological assistance; 7) enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services; 8) providing other services necessary for physical and psycho-social rehabilitation of victims. The services are provided until the need for the services ceases to exist. Important updates, which entered into force in January 2017, established that services shall be provided to victims to the extent of 60 days even in case of notification of refusal to commence criminal proceedings.

Sub-subdivision 8 of the Aliens Act regulates providing of temporary residence permit in case of substantial public interest, which in accordance to Article 203, includes cases of human trafficking, human trafficking in order to take advantage of minors and buying sex from minors. Temporary residence permit is granted to aliens in case she or he is a victim or a witness in a criminal procedure. According to Article 205 upon the decision of the prosecutor’s office temporary residence permits can be granted to aliens for a cooling-off (or reflection) period: 30 to 60 calendar days, in order that an alien could decide whether she or he wishes to cooperate with the investigative authority or the prosecutor. Furthermore, during the reflection period, the victim will be provided with all necessary rehabilitation services outlined in the norms of Victim Support Act.

1.2. Policy context and THB case management

Today, counter-trafficking actions in Estonia are implemented as a part of the struggle with organised crime within the frames of the Strategy of Preventing Violence 2015 – 2020. The Strategy includes such counter-trafficking activities as awareness-raising, measures to reduce demand, training of professionals, providing assistance to victims and voluntary return of foreign victims to their countries of origin. Implementation of planned action is conducted under auspice and coordination of the Ministry of Justice within the frames of the National anti-

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5 https://www.riigiteataja.ee/en/eli/509072018004/consolide
6 same there
The estimated budget for the implementation of the Strategy for Preventing Violence over the period 2015–2020 is 14 million euros. Directly involved in the process of management of THB cases are organisations such as: National Police and Border Guard Board; Prosecutor General Office and the regional Offices; National Social Insurance Board and relevant non-governmental organisations. These institution provide the processes of identification, prosecution, protection and assistance/rehabilitation of the victims. Depending on the circumstances of each case, other relevant actors might also be involved as well (such, as IOM Estonia, Consulate Departments of Ministry of Foreign Affairs etc.).

1.3. Prevention of human trafficking in Estonia

The government of Estonia maintains prevention efforts of human trafficking, which includes: awareness raising campaigns; financing of the national anti-trafficking hotline and assistance programme for highly vulnerable to THB groups; providing of training to wide range of specialists. Prevention activities are undertaken by both the governmental and relevant non-governmental organisations, with the financial support of state budget and within the frames of various additional social projects. Recent awareness raising campaigns were designed to increase awareness risks of various forms of trafficking. The campaign “1ELU” was implemented in 2017 and focused on both labour and sexual exploitation. The campaign called people to request assistance and inform authorities in case of suspicion of human trafficking. The campaign was implemented in Estonian and Russian languages and was conducted in public spaces as well as the internet. The campaign „Naine ei ole kaup! “(A woman is not a product!) was implemented in 2013 within the frames of the EC project "A Safety Compass: Signposting Ways to Escape Trafficking". The key purposes of the campaign actions were to raise awareness of risks of trafficking, trends of recruitment and new forms of trafficking in the internet environment and social media. Prevention activity among the highly vulnerable groups today is shared between two non-governmental organisations: NGO Living for Tomorrow and NGO Eluliin. The first one operates a national anti-trafficking hotline and mostly focuses on issues of labour exploitation. The second organisation operates the network of counselling centres for persons involved in prostitution in Tallinn; Tartu and Jõhvi and focuses mostly on issues of sex-trafficking. Both organisations are also involved in a process of primary identification of THB victims’ and referral to the National Referral Mechanism, described in the previous section. In addition, both organisations offer trafficking-specific assistance/rehabilitation services. Regarding to training activities recently was implemented a seria of anti-trafficking seminars among the minors (NGO LFT), lectures on issues of THB among disable people and their custodians (NGO Eluliin). Experts from Gender Equality Department of Ministry of Social Affaires implemented THB related training among judges.

11 https://www.facebook.com/1ELU-705600759611129/
13 www.lft.ee
14 www.eluliin.ee
2. Policy debate: total ban of buying sex in Estonia

The issue of the demand for prostitution is one of the key issues, which is recently being actively debated within the national counter-trafficking expert environment. As noted above, Estonia has over the past years consistently criminalised some forms of buying of sex. Today, supporters of the idea of criminalisation, point to the need to total ban the purchase of sex by state legislation. Among the key arguments in favour of this approach are the following:

- Estonia is among the Nordic countries that are committed to an abolitionist approach to prostitution. In this context, a total ban on buying sex is a logical and consistent continuation of this political strategy.

- Adherents of the feminist movement in Estonia, following the example of the Swedish model, consider the act of buying sex as an act of violence against a woman that is unacceptable from a gender equality point of view and therefore should be prohibited by law, as any other form of violence and discrimination.

- Proponents of a pragmatic approach see the benefit of implementation of this legislation in the ability to prevent possible increase of the number of crimes related to pimping and sex trafficking, while strengthening the role of Estonia as a destination country.

Critics of the total legislative prohibition of buying sex talk about the “excessive emotionality” of this initiative, its “isolation from the real life”, “the impossibility of the practical implementation of this legislative norm”, as well as the possible lack of resources from the national police and prosecutors to successfully investigate a large volume of cases which will appear during the implementation of this legislation. Some sceptics also point to a possible worsening of the situation of women involved in prostitution after the ban, as this provision will give additional leverage to the pimps.

3. Good practice examples: Department of Victims` Support Service of the National Social Insurance Board

One of the key functional part of nowadays National Anti-trafficking Referral Mechanism in Estonia is the Department of Victims Support Service of the National Social Insurance Board. Victim Support Service (VSS) is a public service in Estonia aimed at preserving or improving the survivability of persons who have been victims of crime. Normally, the victim support service is to counsel the victim; provide assistance in dealing with state or local government agencies and legal entities; claim reimbursement from the state of the cost of psychological care; as a governmental institution to work in tight cooperation with the National Police and Border guard Borad, as well as Procecutors Offices and offer conciliation service etc. Since 2013 state management of human trafficking cases in Estonia also falls under the responsibility of this institution. Today, the Social Insurance Board responsible for the process of official identification of human trafficking victims (as a

15 [https://abiksohvrile.just.ee/et/ohvrile/ohvriabiteenus](https://abiksohvrile.just.ee/et/ohvrile/ohvriabiteenus)
victim); start of official case management in Social Insurance Board electronic database (SKAIS); interview the victim to ascertain rehabilitation needs and prepare the official state rehabilitation plan; collaboration with service providing NGO’s and patronage of implementation of rehabilitation measures. Moreover, the Social Insurance Board play very important intermedia role between the governmental and non-governmental sector, as a part of multi-agency approach of victims assistance. To fulfill everyday tasks of management of THB cases, leading specialist of the department was nominated on the position. Management of each case, takes place individually in close collaboration with representatives of service providing organizations. In its activities in relation to THB cases, the Victims Support Service is guided by the Victim Support Act. The Victims’ Support Board approve the individual plan of rehabilitation actions, directed to the victim(s) and provided by the service provider NGO Eluliin and pays off the bills related to the offered services. Structurally, the Social Insurance Board and Victims Support Service is part of the Ministry of Social Affairs of Estonia\textsuperscript{16}.

From 2019 onwards, counter-trafficking responsibilities of the Social Insurance Board will be further expanded and include organising and conducting national calls for proposals of rehabilitation and assistance service for THB victims and persons involved in prostitution.

4. Transferability aspects: Spain – Estonia

Despite the geographical distance between the countries, in Estonia, as well as in Spain a similar understanding of the close link between the issues of sex-trafficking and prostitution exists. On the other hand, Spain has now outpaced Estonia in respect to implementation of THB prevention measures by the reducing of demand. However, the policies described in the discussion paper policies, can be fully transferred to Estonia. For example, it seems very promising to conduct a study of the demand for prostitution. Issues of the demand side are relatively poorly documented in the national context of Estonia, one of the most recent studies was implemented in 2007\textsuperscript{17}. Today, it seems relevant to conduct a study that will clarify the type of policies and measures that will be most sufficient to reduce demand in the context of the country, taking into account the local socio-demographic profile of sex buyers and their behaviours. Implementation of the public campaign seems also logical and possible in Estonia. Albeit local policy makers and counter-trafficking experts are often quite skeptical of such measures, considering them too costly and with known difficulties in evaluation of impact. Finally, it seems promising to involve the tourism sector in reducing the demand activities in this context to avoid this type of sexual behaviour during the visit of Estonia. Tallinn city is often a destination place for sex buyers from neighbouring Finland. During the process of looking for or buying sex these men themselves become victims of various offenses: robberies, frauds etc. Additionally, well known risks of transmitting venereal and infectious diseases, like HIV or HepB: HepC\textsuperscript{18}. Thus, measures of reducing demand for prostitution seems not only measures beneficial to prevent sex-trafficking, but also include a positive impacts for decreasing of general level of crime and violence in society.

\textsuperscript{16} http://www.sm.ee/en/introduction-ministry-and-our-structure
\textsuperscript{17} http://lft.ee/admin/upload/files/Prostitutsiooni_varjatum_pool__Raeaegivad_seksi_ostjad.pdf
\textsuperscript{18} http://lft.ee/admin/upload/files/Seksiostad-Kes%20nad%20on.pdf
5. Conclusions and recommendations

Trafficking in human beings is a transnational issue, which needs transnational responses. Countries need to recognise their close interrelations within the field of sex-trafficking. For example, demand for prostitution, raised in one country is able to trigger growth of exploitation in another or increase of poverty in one region is able to trigger growth of crimes related to THB in others. Transnational measures of reducing the demand for prostitution and international cooperation for protection of the victims seems one of the most promising approaches. Demand should be internationally recognised as a key sponsor of trafficking and traffickers, the factor which “fuels” the system. Protection of the victims should include a transnational component. Cross-border "exit programmes", which are based on tight cooperation between the countries of origin (who “produce” the victims) and countries of destination (who “produce” demand and situation of exploitation) should take responsibilities to help the victims begin a “new life” and prevent re-trafficking in the same or another destination country.