



*Eesti Vabariigi Alaline Esindus OSCE juures
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Estonia: Country Report on Trafficking in Human Beings

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Research/media coverage

With the support of the International Organization for Migration, an analysis of both *de facto* situation and present legislation on trafficking in women in Estonia was carried out in April 2001. As a result, a working group on trafficking in women comprised of specialists from different institutions was convened to tackle the issue more thoroughly. The compilation of information on the scope of the problem could serve as the basis for further developments in carrying out researches and for improvements to be made in the national legislation.

Awareness raising programs

An awareness-raising campaign on trafficking in women is carried out. This campaign is co-ordinated by NGO-s and financed by the Nordic Council of Ministers.

The campaign will target, among other groups: victims and potential victims of prostitution and trafficking in women, state authorities including police, personnel of the justice system, border control and immigration authorities, social and youth workers, health care workers, personnel at embassies and consulates, the business community, hotel personnel, teachers and students at high schools and universities, and NGO-s. A website for the campaign (www.nordicbalticcampaign.org) is currently under construction.

The educational activities of that campaign will take place from September to December 2002, the research part started already in spring 2002. Research is being done among police, border guards and high school students; awareness and attitudes are being analysed. The main activities include awareness-rising training for teachers, youth workers and job counsellors. A number of "educational evening events" are scheduled. Information leaflet on trafficking will be compiled, printed and disseminated in schools, universities, *au pair* and employment agencies, youth organisations etc. There will be 6 different projects for the campaign in Estonia. The co-ordination team is seeking ways to co-operate with NGO-s and other interested parties.

The campaign includes two major research projects. The aim of these projects is to gather data for analysing the overall situation in trafficking in Estonia. The projects will give a better understanding about the ability of relevant Estonian authorities to prevent and stop trafficking in women and children and, at the same time, help to assess the awareness and attitudes of secondary school students toward the same issue.

One general educational project of this campaign is targeted to parents, local police, social workers, local governors, representatives of roundtables of women, teachers of family and social theory, representatives of student organisations and class advisers.

Another project of the campaign includes eight educational evening sessions that will take place in various parts in Estonia. The target group here includes secondary school teachers, youth workers, hobby group teachers and vocational advisers. The aims of the project are: to introduce the definition, causes and consequences of trafficking women and bring out the risk groups; to suggest methods for introducing the topic to students and youth in classes, hobby groups and vocational counselling; to introduce the preventive role of educational institutions.

In addition to the current Nordic-Baltic campaign there are training sessions on trafficking in human beings in the framework of the Living for Tomorrow Youth Seminar (<http://www.nikk.uio.no/forskningsprojekt/livingfortomorrow/index.html>).

Legal framework/legislative review and reform efforts

It is in the competence of the Ministry of Justice to create and update the legal basis for penal measures.

Several new necessary elements of an offence have been introduced in the new Penal Code to be enforced on 01.09.02 to combat smuggling in human beings. Enslaving and transportation to countries that restrict personal liberty are defined as offences against personal liberty.

Enslaving entails the use of violence or fraud to put a person in a position where he or she is forced to work for someone else involuntarily or perform other degrading obligations, or keeping a person in such a position. This crime encompasses slavery in the classical sense (subjugation of a person in order to obtain the result of his or her work) and acts similar to slavery - enslaving through debt, use of person as prostitute etc. The possible punishments for such offences amount to imprisonment for 12 years.

Transportation to a state restricting personal liberty is an offence to some extent similar to enslaving. It entails the use of violence or fraud to transport a person to another state and leaving him or her there (i.e. failure to perform actions necessary to make his or her departure possible), whereas it becomes possible to harass or humiliate him or her for racial, gender or other reasons and he or she lacks legal protection against such treatment and has no possibility to leave such a state. It is possible to punish for this action with imprisonment for up to 10 years.

In addition to the above-mentioned articles, § 268 (provision of opportunity to engage in unlawful activities or pimping), § 121 (physical abuse), § 122 (torture), § 136 (unlawful deprivation of liberty), § 141 (rape), § 143 (compelling a person to engage in sexual intercourse), § 152 (violation of equality) should be mentioned.

According to the present procedural law (Code of Criminal Procedure § 40), the victim currently enjoys fairly extensive rights: the victim is an independent source of evidence and fully entitled party of the proceedings, independently of the submission of a civil action.

The protection of the victim's physical and psychological integrity is regulated by procedural law and by tactical recommendations not set forth in the law. As victim

protection is based on the human rights standard, the primary permissible and possible measures are stipulated at the level of a law.

Tactical recommendations for proceedings concerning victim protection help to protect the victim primarily psychologically (to avoid secondary victimisation) and their use depends on (1) the person hearing the matter, (2) his or her knowledge and (3) legal and organisational possibilities.

Estonia has not yet ratified UN Convention Against Transnational Organized Crime or its protocols.

Relevant Estonian legislation can be found in OSCE's legislative website: <http://www.legislationline.org/>

Government co-ordination

According to the § 67 of the Government of the Republic Act of Estonia the area of government of Ministry of Social Affairs includes promotion of the equality of men and women and co-ordination of activities in this field, and the preparation of corresponding draft legislation. Trafficking in women is dealt within the wider context of eliminating violence against women.

National Plan of Action

There is currently no National Plan of Action to prevent and combat trafficking, thus some preparatory work is going on.

Co-operation with non-governmental and international organisations

In May 2002 the first joint Nordic-Baltic information campaign against trafficking in women was launched. The aim of the campaign is to raise the awareness about the problem and stimulate discussions with all relevant institutions on how to combat the problem of trafficking. It will continue until the beginning of 2003. In May 2002 a three-day international seminar for members of government agencies, researchers and NGO-s was held in Tallinn, in order to discuss different aspects of trafficking in human beings. The seminar was structured around panel debates and workshops on three themes: gender equality, the role of the media and the use of legislation to combat trafficking in women and children. The compilation of information on the scope of the problem of trafficking in women served as the basis for further developments in carrying out researches and improvements to be made in the national legislation.

Training of relevant state authorities

The information on training of state authorities can be found under other topics of this document.

Aid and development programs abroad

Ministry of Social Affairs has not initiated and does currently not participate in any trafficking in women aid and development programs abroad.

Bilateral and multilateral agreements and activities

In November 2001. meeting of Ministers of Justice of Nordic countries and the three Baltic countries took place in Tallinn. One of the important issues discussed was

trafficking in women. The participants agreed that more and more women become victims of trafficking in human beings with purpose of using them for sexually. Also the fact that both the role and professionalism of the organized crime has grown was mentioned. It was concluded that co-operation between states on these issues is of great importance.