

EMN study on Third-Country National Victims of Trafficking in Human Beings: Detection, Identification and Protection

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PART I: BACKGROUND AND SITUATION IN THE EU

Trafficking in human beings is a crime against people that can take various forms such as sexual exploitation (including forced prostitution), forced labour or services, slavery and servitude related practices, as well as the removal of vital organs, all of which constitute a grave violation of victim's fundamental rights. Trafficking in human beings is prohibited in various international instruments such as in the Charter on Fundamental Rights of the European Union (EU),¹ the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Children and Women, supplementing the UN Convention against Transnational Organized Crime,² the Council of Europe (CoE) Conventions on Action against Trafficking in Human Beings³ (which is monitored by GRETA, the CoE Group of Experts on Action against Trafficking in Human Beings) and on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention),⁴ the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),⁵ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the International Covenant on Civil and Political Rights (ICCPR),⁶ the Global Compacts for Migration⁷ and Refugees⁸ and the 2030 Agenda for Sustainable Development.⁹

According to the latest available data, between 2017 and 2018, there were more than 14 000 registered victims in the EU.¹⁰ Trends in the EU seem to mirror those at global level: for every 10

¹ Charter of Fundamental Rights of the European Union, 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>, last accessed on 10 May 2021.

² UNODC, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 2000, https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf, last accessed on 9 May 2021.

³ CoE, Convention on Action against Trafficking in Human Beings, 2005, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>, last accessed on 9 May 2021.

⁴ CoE, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>, (Istanbul Convention), last accessed on 9 May 2021.

⁵ UN, Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, <https://www.un.org/womenwatch/daw/cedaw/>, last accessed on 10 May 2021.

⁶ UN, International Covenant on Civil and Political Rights, 1966, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, last accessed on 10 May 2021.

⁷ UN, Global Compact for Safe, Orderly and Regular Migration, 2018, https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195, last accessed on 9 May 2021.

⁸ UN, Global Compact for Refugees, 2018, https://www.unhcr.org/gcr/GCR_English.pdf, last accessed on 9 May 2021.

⁹ UN, 2030 Agenda for Sustainable Development, 2015, https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E, last accessed on 10 June 2012.

Trafficking in human beings is addressed under Goal 5 (Gender Equality), Goal 8 (Decent Work and Economic Growth) and Goal 16 (Peace Justice and Strong Institutions).

¹⁰ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

victims detected, five are adult women and two are girls, one in every three is a child.^{11 12 13} Trafficking in human beings is not only recognised as a highly profitable crime,¹⁴ it is also recognized as a crime with links to social development and security, migration, conflict- and climate-induced displacement. The impact and cost of human trafficking on individuals as well as on political, economic and social systems is compelling. Trafficking victims may suffer from an array of physical and devastating psychological health issues stemming from brutal physical and emotional attacks at the hands of their traffickers, dangerous workplace conditions, occupational hazards, inhumane living conditions, poor sanitation, inadequate nutrition, poor personal hygiene, and general lack of quality health care. Human trafficking has the power to affect the victims' life forever:¹⁵ Therefore, the application of a human right-based and victim-centred approach is needed.

Persistent demand for sexual services and for low-wage workers employed in manual jobs continue to ensure opportunities for traffickers to operate. In spite of the recent significant increase in the number of people convicted, many perpetrators remain undetected and unpunished.¹⁶ Given its clandestine nature, and the many factors which may deter a victim from reporting the crime, trafficking in human beings is believed to be significantly underreported.¹⁷ Detection and identification of (potential) victims of trafficking in human beings is therefore likely to remain at the same time critical and problematic, as flagged by a recent report of the European Parliament.¹⁸

Third-country nationals account for more than half of the registered victims in EU Member States.¹⁹ Vulnerable migrants have been reported to be at persistent risk of becoming victims of trafficking along migration routes: in particular unaccompanied minors and those in the asylum procedures, might be at a higher risk of becoming victims of trafficking in human beings and other gender-based violence, such as rape or domestic violence.²⁰ Reception centres for asylum applicants can be targeted by human traffickers for recruitment.²¹ Early identification of victims is crucial to promptly assist, support and protect victims of trafficking in human beings and enables police and prosecution authorities to better investigate and punish traffickers.²² However, their detection and

¹¹ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

¹² UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf, last accessed on 8 May 2021.

¹³ The Counter Trafficking Data Collaborative, Global Data Hub on Human Trafficking, www.ctdatacollaborative.org, last accessed on 10 June 2012.

¹⁴ ILO, Profits and Poverty: The Economics of Forced Labour, 2014, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf, last accessed on 9 May 2021.

¹⁵ IOM, UN.GIFT and London School of Hygiene and Tropical Medicine, Caring for Trafficked Persons: A Guide for Health Providers, https://publications.iom.int/system/files/pdf/ct_handbook.pdf, 2009, last accessed on 14 June 2021.

¹⁶ UNODC, Global Report on Trafficking in Persons, 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf, last accessed on 8 May 2021.

¹⁷ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

¹⁸ European Parliament, Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, (2020/2029(INI)), 2020, https://www.europarl.europa.eu/doceo/document/A-9-2021-0011_EN.pdf, last accessed on 15 May 2021.

¹⁹ European Commission, Data collection on trafficking in human beings in the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf, last accessed on 8 May 2021.

²⁰ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²¹ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

²² European Commission, Communication on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, 2021(New EU Strategy) https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_on_combatting_trafficking_in_human_beings_2021-2025_com-2021-171-1_en.pdf, last accessed on 18 May 2021.

identification in mixed migration flows remains a challenge²³ in a number of EU Member States,²⁴ some of which also relate to tensions with the current legal framework (especially within asylum procedures)²⁵ as well as to disruption in victim assistance and support services.²⁶ For instance, difficulties have occurred in some Member States, e.g. labour exploitation cases not recognised as trafficking in human beings and treated by the police under civil law (Latvia), difficult in detection and identification of victims due to more restricted movements during the Covid-19 pandemic crisis (Luxembourg), 'cross-border' victims or third-country nationals 'forced' to commit criminal acts themselves (the Netherlands), or collaboration with governmental agencies (Sweden).

The full extent of the impact of the COVID-19 pandemic on trafficking in human beings is not yet known. However, a rise in poverty as a result of restrictions, an increase in vulnerabilities linked to migration statuses and ongoing travel restrictions may have, among other factors, resulted in higher levels of trafficking and placed third-country national migrants at greater risk of exploitation.²⁷ The risks of exploitation of minors in particular are thought to have increased.²⁸ The pandemic has also made the identification of victims of trafficking more challenging for authorities and has resulted in delays in identification procedures.²⁹

In 2012, the EU called upon Member States to set up "systematic approach(es) to victim identification, protection and assistance" including promoting "regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings [...] aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings".³⁰ One of the key priorities of the EU Strategy on Combatting Trafficking in Human Beings 2021-2025 is protecting, supporting and empowering victims, which also includes the early identification of victims: in this regard, working together with relevant EU agencies, as well as embedding cooperation and partnerships against trafficking with non-EU countries of origin and transit and organisations at regional and international levels in the EU's external relations policy is fundamental.³¹

²³ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

²⁴ European Commission, Study on reviewing the functioning of Member States' National and Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

²⁵ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YgqjwIVDXeb0CtOMDdJQd9IOGBDw_pMZ0d7hS_NQF3-E3deluMObDued4, last accessed on 10 May 2021.

²⁶ International Organization for Migration (IOM), Understanding the migration & mobility implications of COVID-19, https://www.iom.int/sites/default/files/documents/covid-19_analytical_snapshot_59_human_trafficking_update.pdf, last accessed on 12 June 2021.

²⁷ Giammarinaro, Maria Grazia, COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons', UN Human Rights Special Procedures, 2021, <https://www.ohchr.org/Documents/Issues/Trafficking/COVID-19-Impact-trafficking.pdf>, last accessed on 6 May 2021.

²⁸ EUROPOL, European Union serious and organised crime threat assessment (SOCTA), 2021, <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment>, last accessed on 10 May 2021.

²⁹ CoE, 10th General Report GRETA Activities, 2021, <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>, last accessed on 9 May 2021.

³⁰ European Commission, EU Strategy towards the eradication of trafficking in human beings 2012-2016, 2012 (EU Strategy), https://ec.europa.eu/anti-trafficking/sites/default/files/the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf, last accessed on 6 May 2021.

³¹ New EU Strategy.

1. EU legal and policy context

This section outlines EU legislation relevant to the identification and protection of victims of trafficking. It begins by describing the anti-trafficking legislation and its main recent developments, followed by relevant elements of the Common European Asylum System (CEAS). Whilst the Anti-trafficking Directive 2011/36/EU introduces the concepts of detection and identification of victims in all situations, existing instruments for international protection and forced return procedures do not explicitly provide for a tailored mechanism.³² ³³ The recast asylum acquis goes some way in improving this situation as described below, although there may be room to further enhance provisions for victims of trafficking in human beings who are in Dublin or forced return procedures.

1.1. EU Anti-trafficking legislation

The EU recognises trafficking in human beings as a violation of human rights: Article 5(3) of the EU Charter on Fundamental Rights prohibits trafficking in human beings outright. The EU's competence to act in relation to trafficking in human beings is set out in the EU Treaties, and in several legal documents. The Treaty on the Functioning of the EU (TFEU) recognises the EU's power to act on trafficking in relation to its nature as (i) a phenomenon with links to migration,³⁴ and (ii) a cross-border crime.³⁵

Several Directives within the migration acquis either focus on, or have implications for, third-country national victims of trafficking in human beings, but the Anti-trafficking Directive 2011/36/EU is the first act at the EU level to address trafficking in human beings in a comprehensive and integrated way. The instrument adopts a victim-centred 'human rights approach', providing for a common definition of the criminal offence of trafficking, and obliging Member States to "establish appropriate mechanisms aimed at the early identification of and assistance to victims, in cooperation with relevant support organisations".³⁶ In 2020 the European Commission published its third two-yearly report on the progress made in the fight against trafficking in human beings as required under Article 20 of the Anti-trafficking Directive 2011/36/EU.³⁷

Prior to the entry into force of the Anti-trafficking Directive 2011/36/EU, the Residence Permit Directive 2004/81/EC was the only piece of EU legislation providing for assistance to third-country national victims of trafficking.³⁸ It sets out a framework for Member States to grant a temporary reflection period of unconditional stay and assistance and conditions for granting a residence permit to third-country national victims of trafficking in human beings, when these persons cooperate with the authorities competent to start pre-trial investigations and convict the perpetrator. Some Member States³⁹ make provision for certain forms of residence permit, based

³² Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (Anti-trafficking Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>, last accessed on 10 May 2021.

³³ Forced return is outside the scope of this study.

³⁴ Treaty on the Functioning of the European Union (TFEU), Article 79, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>, last accessed on 15 May.

³⁵ TFEU, Article 83.

³⁶ It is noted that Denmark, Georgia, the Republic of Moldova and Norway are not bound by this Directive.

³⁷ European Commission, Third report on the progress made in the fight against trafficking in human beings, 2020, https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf, last accessed on 15 May 2021.

³⁸ Directive 2004/81/EC 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, (Residence Permit Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32004L0081>, last accessed on 15 May.

³⁹ AT, BE, ES, HU, IT, LU, NL, PL, SK.

on the vulnerable position of the victim. This possibility is sometimes limited to particular categories of persons (e.g. minors).⁴⁰

According to the Anti-trafficking Directive 2011/36/EU, "a person should be provided with assistance as soon as there is a reasonable-grounds indication for believing that he or she might have been trafficked and irrespective of his or her willingness to act as a witness".⁴¹ The Anti-trafficking Directive 2011/36/EU goes on to state that in cases where the victim does not already reside lawfully in the Member State the assistance should be provided unconditionally for at least the duration of the reflection period. However, it can be withdrawn if on completion of the identification process or expiry of the reflection period, the victim is not considered eligible to remain in the Member State.⁴² The Anti-trafficking Directive 2011/36/EU, however, recognises that in addition to residence based on cooperation, victims of trafficking may also be eligible for international protection.⁴³

It is also of note that potential victims of trafficking who have been issued a reflection period cannot be subject to any expulsion order against them for the duration of this period,⁴⁴ and that victims of trafficking who have been granted a residence permit will not be subject to an entry ban, provided that there is no threat to public policy, public security or national security within the scope of the Return Directive 2008/115/EC.⁴⁵

Finally, in its *Rantsev v. Cyprus and Russia* ruling,⁴⁶ the European Court of Human Rights (ECtHR) recalled the positive obligations that fall to States when it comes to inquiring into possible trafficking situations and to taking the necessary measures to protect victims. Going further than a simple obligation for states to enact laws aimed at ensuring the prohibition of slavery, servitude and forced labour as provided for in Article 4 of the European Convention on Human Rights (ECHR), the Court, set forth the obligation for states to take appropriate measures to 'remove an individual from a situation or risk, where it is presumed that state authorities were aware that this individual was at real and immediate risk of being trafficked or exploited'. Very recently, the Court reiterated that these positive obligations are incumbent upon states and stressed the need for the latter to 'protect victims and investigate as soon as there are reasonable grounds to believe that there is credible suspicion of trafficking'.⁴⁷

1.2. Main EU policy developments addressing trafficking in human beings

While the main responsibility for tackling trafficking in human beings and protecting victims lies with Member States, in 2012 the European Commission launched the first EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 (EU Strategy).⁴⁸ It calls on Member States to adopt a systematic approach to victim identification, protection and assistance, including through

⁴⁰ Denmark, Ireland and Norway do not participate in and therefore are not bound by the 2004 Directive, while having similar national provisions in place for granting reflection periods and granting of a temporary residence permit based on a victim's cooperation with the authorities. European Commission, Report on the application of Directive 2004/81/EC, 2010, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0493&from=EN>, last accessed on 9 May 2021.

⁴¹ Anti-trafficking Directive, recital 18 and Article 11(3).

⁴² Anti-trafficking Directive, recital 18.

⁴³ Anti-trafficking Directive, Article 11(6).

⁴⁴ Article 6(2) of the Residence Permit Directive provides for a possibility to Member States authorities to terminate the reflection period in cases where the person concerned has actively, voluntarily and on his or her own initiative renewed contact with the perpetrators of trafficking or for reasons relating to public policy and to the protection of national security.

⁴⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, (Return Directive), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0115>, last accessed on 9 May 2021.

⁴⁶ ECtHR, *Rantsev v. Cyprus and Russia*, Application No.25965/04, 10 May 2010: <https://rm.coe.int/16806ebd5e>, last accessed on 15 May 2021.

⁴⁷ ECtHR, *V.C.L and A.N. v. The United Kingdom*, Applications Nos. 77587/12 and 74603/12), 16 February 2021: <http://hudoc.echr.coe.int/fre?i=001-207927>, last accessed on 15 May 2021.

⁴⁸ EU Strategy.

the establishment of formal, functional national referral mechanisms (NRMs). In its mid-term report on the implementation of the EU Strategy,⁴⁹ for the first time, the European Commission collected statistical data on the trafficking of human beings at a European level. In 2020, a fifth edition was published together with the third report on the progress made in the fight against trafficking in human beings mentioned above.

On 14 April 2021, the European Commission adopted the new EU Strategy on Combatting Trafficking in Human Beings 2021-2025,⁵⁰ calling for a comprehensive response to combatting a complex criminal phenomenon as follows:

- Reducing demand that fosters trafficking, including by assessing the possibility of establishing minimum EU rules criminalising the use of exploited services from victims of trafficking and proposing legislation on corporate governance to clarify the responsibilities of companies.
- Breaking the business model of traffickers, online and offline including by conducting a dialogue with internet and technology companies and encouraging systematic training of law enforcement and judicial practitioners on detecting and addressing trafficking in human beings.
- Protecting, supporting and empowering the victims with a specific focus on women and children including by seeking to improve the early identification of victims and their referral to further assistance and protection. Strengthen victim empowerment programmes and facilitate re-integration. The European Commission will also fund gender-specific and child-sensitive training to help police, social workers, border guards or healthcare staff to detect victims.
- Promoting international cooperation with international partners including by means of foreign policy instruments and operational cooperation to help combat trafficking in countries of origin and transit including through dedicated human rights and security dialogues.

Tackling trafficking in human beings and the early identification of potential non-EU victims (who account for more than half of the total number) is also a priority under several of the latest Communications adopted by the European Commission. These include the new EU Security Union Strategy⁵¹ launched in July 2020, and the New Pact on Migration and Asylum⁵² of September 2020. It also plays a prominent role in the Europol Serious and Organised Crime Threat Assessment and the EU Strategy to tackle Organised Crime 2021-2025, presented respectively on 13 and 14 April 2021.⁵³

The European Commission recently published three studies - one on the gender dimension of trafficking,⁵⁴ one on its economic, social and human costs⁵⁵ and one on reviewing the functioning of Member State's National and Transnational Referral Mechanisms⁵⁶ - focused on (different aspects

⁴⁹ European Commission, Communication on the application of Directive 2004/81/EC, 2014, <https://ec.europa.eu/transparency/regdoc/rep/1/2014/EN/1-2014-635-EN-F1-1.Pdf>, last accessed on 9 May 2021.

⁵⁰ New EU Strategy.

⁵¹ European Commission, Communication on the EU Security Union Strategy, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0605&from=EN>, last accessed on 9 May 2021.

⁵² European Commission, Communication on a New Pact on Migration and Asylum, 2020, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf, last accessed on 9 May 2021.

⁵³ European Commission, Communication on the EU Strategy to tackle Organised Crime 2021-2025, 2021, https://ec.europa.eu/home-affairs/sites/default/files/pdf/14042021_eu_strategy_to_tackle_organised_crime_2021-2025_com-2021-170-1_en.pdf, last accessed on 9 May 2021.

⁵⁴ European Commission, Study on the gender dimension of trafficking in human beings, 2016, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf, last accessed on 9 May 2021.

⁵⁵ European Commission, Study on the economic, social and human costs of trafficking in human beings within the EU, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_economic_social_and_human_costs_of_trafficking_in_human_beings_within_the_eu.pdf, last accessed on 15 May 2021.

⁵⁶ European Commission, Study on reviewing the functioning of Member States' National and

of) the topic, with the latter one in particular treating victim detection and identification in the context of migration and asylum. Finally, the outcomes of this study will complement the Commission's evaluation of the Anti-trafficking Directive 2011/36/EU, which is a key action of the New EU Strategy.

1.3. EU asylum acquis

The EU asylum acquis comprises two Regulations and four Directives, which legislate on different aspects of the procedure for granting international protection, including which country is responsible for examining each application (Dublin III Regulation),⁵⁷ and how to compare fingerprints for law enforcement purposes (Eurodac Regulation),⁵⁸ the type of persons who qualify for international protection and the rights related to the international protection status (Qualification Directive 2011/95/EU),⁵⁹ the common standards that Member States should have in place for granting and withdrawing international protection (Asylum Procedures Directive 2013/32/EU),⁶⁰ and the common standards for the reception of applicants that should be granted to guarantee them a dignified standard of living (Reception Conditions Directive 2013/33/EU).⁶¹ In the EU asylum acquis, victims of human trafficking are considered a vulnerable category of applicants under the Reception Conditions Directive 2013/33/EU which lays down specific provisions for vulnerable applicants and their special reception needs, including the assessment of such needs.⁶² The applications of vulnerable persons can be prioritised under the Asylum Procedures Directive 2013/32/EU.⁶³ Finally, the new EU Pact on Migration and Asylum⁶⁴ proposes to put in place a pre-entry screening that should be applicable to all third-country nationals who are present at the external border without fulfilling the entry conditions or after disembarkation, following a search and rescue operation.⁶⁵

Transnational Referral Mechanisms, 2020, https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf, last accessed on 15 May 2021.

⁵⁷ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), (Dublin III Regulation), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32013R0604>, last accessed on 15 May 2021.

⁵⁸ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, (Eurodac Regulation), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0603>, last accessed on 15 May 2021.

⁵⁹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), (Qualification Directive), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>, last accessed on 15 May.

⁶⁰ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (Asylum Procedures Directive), <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032>, last accessed on 18 May 2021.

⁶¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), (Reception Conditions Directive), last accessed on 18 May 2021.

⁶² Reception Conditions Directive, articles 21 and 22.

⁶³ Asylum Procedures Directive, Article 31(7)(b).

⁶⁴ European Commission, Communication on a New Pact on Migration and Asylum, 2020, https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf, last accessed on 9 May 2021.

⁶⁵ European Commission, Proposal for a Regulation introducing a 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, 2020, https://ec.europa.eu/info/sites/default/files/communication-screening-third-country-nationals_en.pdf, last accessed on 18 May 2021.

In this study, the Dublin III Regulation is of relevance as it establishes the criteria and mechanisms for determining the Member State responsible for the examination of an asylum claim in the EU. Where a Member State other than the one in which the applicant has lodged an application is found to be responsible for examining the application, the applicant will usually be transferred to that Member State. Where the applicant has lodged multiple applications in different Member States, the person will usually be transferred back to the Member State previously determined as responsible. In cases where a victim has been exploited in the Member State responsible, it could be traumatic to be returned to that Member State, even though in accordance with the Dublin Regulation, the transfer can take place. However, questions have arisen in relation to the reflection period that should be granted under art 6(2) of the Residence Permit Directive 2004/81/EC.⁶⁶ According to this provision, any expulsion order against a victim of trafficking shall not be enforced during this reflection period, which is an occasion for them to recover and decide whether they want to cooperate with the competent authorities, by, for example, reporting their trafficking situation. The Court of The Hague has referred several questions for a preliminary ruling, including whether a transfer decision pursuant to the Dublin Regulation during the reflection period qualifies as an expulsion order and thus whether such transfer is precluded by the Residence Permit Directive 2004/81/EC.⁶⁷

Where the applicant is an unaccompanied minor without family members on the territory of other Member States, the State where the unaccompanied minor has lodged an application for international protection shall be responsible.⁶⁸ Moreover, so-called 'Dublin' transfers do not always take place for instance where a Member State decides to take responsibility for an application for international protection lodged by a third-country national or a stateless person itself, for example:

- on the basis of a national decision (the so-called 'sovereignty clause'),⁶⁹
- on humanitarian grounds based in particular on family or cultural considerations (the so-called 'humanitarian clause').⁷⁰

Concerns arise when it comes to asylum applicants who may become victims of trafficking during so-called 'secondary movements' or may be returned under the Dublin III Regulation to the country where exploitation has occurred. In 2011, in *N.S. and M.E.* (Joined cases C-411/10 and C-493/10),⁷¹ the Court of Justice of the EU (CJEU), held that, in line with Article 4 of the EU Charter of Fundamental Rights, Member States may not transfer an asylum applicant to the responsible Member State where they cannot be unaware that systemic deficiencies in the asylum procedure and in the

⁶⁶ Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9IOGBDw_pMZ0d7hS_NQF3-E3deluMOBDued4, last accessed on 10 May 2021. Also, Case C-66/21 CJEU in which the Netherlands asked preliminary questions on the relation between art. 6(2) Dir. 2004/81 and Dublin transfers.

⁶⁷ Court of the Hague, 29 January 2021 ECLI:NL:RBDHA:2021:727 also Johanna Schlintl, Liliana Sorrentino, Residence Permits, International Protection and Victims of Human Trafficking: Durable Solutions Grounded in International Law, 2021, https://documentation.lastradainternational.org/lisidocs/3387-REST%20Report%20Residence%20Permits%20-%20International%20Protection%20and%20Victims%20of%20Human%20Trafficking%20-%20FEB%202021.pdf?fbclid=IwAR2YqjwIVDXeb0CtOMDdJQd9IOGBDw_pMZ0d7hS_NQF3-E3deluMOBDued4, last accessed on 13 June 2021.

⁶⁸ Dublin III Regulation, Article 8(4).

⁶⁹ Dublin III Regulation, Article 17(1).

⁷⁰ Dublin III Regulation, Article 17(2).

⁷¹ Judgment of the Court (Grand Chamber) of 21 December 2011. *N. S. (C-411/10) v Secretary of State for the Home Department and M. E. and Others (C-493/10) v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform*. References for a preliminary ruling: Court of Appeal (England & Wales) (Civil Division) - United Kingdom and High Court of Ireland - Ireland.

reception conditions in that Member State amount to substantial grounds for believing that the asylum applicant would face a real risk of being subjected to inhuman or degrading treatment. The determining Member State shall continue to examine the criteria set out in the hierarchy of criteria in order to establish whether another Member State can be designated as responsible. This principle applies to all applicants whether or not they claim to be victims of trafficking.⁷² Nonetheless, decisions not to transfer remain dependent on effective detection methods, identification processes and a procedure in place for the transfer to be delayed or a final decision made whether or not to proceed with it.

Detection and identification of potential victims is key, and national courts have stressed the importance of these steps on several occasions, pointing to the tension that may arise from the time-efficiency spirit of the Dublin Regulation on the one hand, and the protection duties imposed on Member States on the other.⁷³

When the Dublin III Regulation was adopted in 2013 it also improved possibilities for detection, since it introduced a provision to conduct a personal interview ‘in order to facilitate the process of determining the Member State responsible’.⁷⁴ The Dublin III Regulation introduced provisions on the consideration of safety and security of unaccompanied minors in particular where there is a risk of the child being a victim of trafficking,⁷⁵ but does not explicitly introduce provisions relevant to adults who are (potential) victims of trafficking in human beings within Dublin procedures: the Reception Conditions Directive 2013/33/EU states that Member States shall take into account the specific situation of vulnerable persons such as (among others) victims of human trafficking.⁷⁶

1.4. The victims’ rights directive

Adopted in 2012, the Victims' Rights Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect.⁷⁷ Trafficking in human beings is recognised as one of the crimes covered by the Victims’ Right Directive 2012/29/EU.⁷⁸ Victims of crime must receive proper protection, support and access to justice: in particular, the need for special support and protection for women (and their children) who are victims of gender-based violence, especially with a view to avoiding secondary and repeated victimisation, is emphasised.⁷⁹ In the context of the individual needs’ assessment, particular attention shall be paid to victims of trafficking.⁸⁰

On that basis, all EU Member States,⁸¹ must ensure and prioritise victims’ protection and safety regardless of their residence status. Indeed, while Article 1 of the Victims’ Right Directive 2012/29/EU calls for a non-discriminatory approach to the protection of victims of crime, Article 2 further defines victims as “anyone who has suffered physical, mental, emotional or economic harm caused by a criminal offence, as well as family members of someone whose death case caused by a criminal act”. Read in conjunction with Recital 10 which highlights that “Member States must take necessary measures to ensure that the rights set out in this Directive are not made conditional on the victim’s residence status”, the definition of ‘victims’ provided de facto encompasses third-

⁷² Dublin III Regulation, Article 3(2).

⁷³ For instance, Case N. NL19.30940 mentioned above (footnote 63).

⁷⁴ Dublin III Regulation, Article 5.

⁷⁵ Dublin III Regulation, Article 6(3)(c).

⁷⁶ Reception Conditions Directive, Article 21.

⁷⁷ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, (Victims’ Rights Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>, last accessed on 18 May 2021.

⁷⁸ TFEU, Article 83(1).

⁷⁹ Victims’ Rights Directive, Recital 17.

⁸⁰ Victims’ Rights Directive, Article 22(3).

⁸¹ Denmark opted out from the Victims’ Rights Directive.

country nationals who may fall victims to crime within the EU territory, including the one of trafficking in human beings. The Victims' Right Directive 2012/29/EU provides victims and their family members with a right to information, support and protection. It further strengthens the victims' procedural rights in criminal proceedings and requires that EU Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims. For certain groups of victims, the EU has adopted specific rules which respond more directly to the specific needs of some victims as, *inter alia*, to provide protection and support for victims of human trafficking.⁸²

⁸² Victims' Rights Directive, articles 8, 22 and 24.

2. Study aims and objectives

The current study aims to explore the Estonian national practices of detection, identification and protection of third-country national victims of trafficking in human beings. In this respect, without adopting the same scope, it updates the 2013 EMN study “Identification of victims of trafficking in human beings in international protection and forced return procedures” and covers:

1. Overview of national situation in Estonia in relation to trafficking in human beings, in particular focusing on the national, latest available data, trends, patterns and trafficking purposes (Introduction).
2. Estonian national policy and legislative developments and measures to detect (presumed) third-country national victims of trafficking in human beings, including information on competent authorities, existing reporting mechanisms, possibilities to appeal decisions. (Section 1).
3. Estonian national policy and legislative developments and measures to identify (presumed) third-country national victims of trafficking in human beings, including referral mechanisms (if existent) among national authorities and other relevant stakeholders (Section 2)
4. Estonian national policy and legislative developments and measures to protect (presumed) third-country national 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 (Section 3).
5. Cooperation mechanisms with other Member States, EU agencies (EASO, Europol, Frontex), international organisations and third countries of origin and of transit (Section 4).
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 (Section 5).

The study covers the period of 2015–2020.

PART II: NATIONAL CONTRIBUTION FROM ESTONIA

Introduction

The offence of trafficking in human beings was introduced in the Estonian legislation in the Criminal Code in 2012 (later replaced by Penal Code). According to the Article 133 of the Penal Code, **trafficking in human beings** is “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”.⁸³

Estonia does not have a national action plan to combat trafficking in human beings (THB) specifically, but the **National Action Plan for Reducing Violence 2016–2020** includes activities in the area of combating THB, including awareness-raising and measures to reduce demand.^{84 85} The **National Coordination on THB in Estonia** is held by the Criminal Policy Department and Analysis Division of the Ministry of Justice, who are also the coordinator of the **National Co-ordination Network** involving all relevant actors specialising in the prevention and combating of THB-s.

Over the years Estonia has been mainly the **country of origin and also transit**, but the national experts note that looking at the trends of the last years, Estonia may be becoming a country of destination. **Although there have been people who have been suspected to be victims of THB (n=8)** (see Table 1), **there have been no third-country nationals who have been identified as victims of THB in a criminal proceeding**. The suspected victims who have received services aimed for victims of THB have originated from Vietnam, Russia, Ukraine, Belarus and Georgia. Most of the identified victims are victims of labour exploitation. The victims have been both minors as well as adults. Additionally, the people suspected of being involved in THB are not from Estonia, but rather stay in Estonia for a short time and then leave.

In 2015–2020, there have been no victims of THB who have asked for international protection in Estonia. In the reference period it can be seen that traffickers use less violence and rather use other ways of controlling victims, which makes identification of victims more difficult.⁸⁶ Additionally, it can be seen that the schemes connected to THB are internationally organised.

Since 2017, presumed victims are also regarded in the statistics, but presumed victims from third countries were detected first in 2019 (n=55) and in 2020 there were 29 presumed victims who were third country nationals. The presumed THB victims are also mostly women, and are involved with crimes related to sexual exploitation, pimping and who remain in Estonia short-term, and who

⁸³ Estonia, Penal Code, available at: www.riigiteataja.ee/en/eli/ee/522012015002/consolide/current.

⁸⁴ Strategy for Preventing Violence for 2015–2020 (2015), <https://www.kriminaalpoliitika.ee/et/strategy-preventing-violence-2015-2020>.

⁸⁵ GRETA (2018) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia, First Evaluation Round, available at: <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>.

⁸⁶ GRETA (2018) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia, First Evaluation Round, available at: <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>, (accessed: 18.09.2021).

either do not need or are not interested in getting the available services aimed at them. However, all victim support services are available for them if needed.

Table 1. Total number of third-country national victims of trafficking in human beings and total number of third-country national presumed victims

Victims				Presumed victims			
	Total	Female	Male		Total	Female	Male
2015	2	2	0	2015	<i>Presumed victims are regarded in the statistics since 2017.</i>		
2016	2	1	1	2016			
2017	2	2	n/a	2017	0	0	0
2018	2	0	2	2018	0	0	0
2019	0	0	0	2019	55	53	2
2020	0	0	0	2020	29	17	12

**In 2015–2020 there have been no third-country nationals who have been identified as victims of THB in a criminal proceeding.*

The national referral mechanism in Estonia is the following: relevant stakeholders who might come into contact with a presumed victim (i.e. Police and Border Guard Board, social service providers in a local municipality, NGO-s assisting victims, labour inspectors or foreign authorities) should notify the Social Insurance Board of having detected a presumed victim of THB, following which information is provided to the law enforcement authorities to allow the initiation of criminal investigation into THB. Third country nationals have the right to receive victim support as **part of the same victim support system** as other (presumed) victims of crime. The victim support services are provided by **Estonian Social Insurance Board** which is a public entity operating under the Ministry of Social Affairs.

Estonia is also participating in transnational referral mechanisms, mainly focused on the Baltic Sea Region. In 2019, the CBSS TF-THB launched a Transnational Referral Mechanism (TRM) for the Baltic Sea Region, and in addition, Bulgaria, Romania and Ukraine.⁸⁷ The TRM was developed in the framework of the transnational project “Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region” (HOF-BSR). In addition, Estonia takes part in other thematic networks, incl. the EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings, the network Council of Europe Convention on Action against Trafficking in Human Beings, and the Council of Baltic Sea States.

Situation overview in Estonia

The situation with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings has seen significant developments within 2015–2020. Next, an overview is provided of the main policy developments and debates that have occurred in

⁸⁷ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.07.2021).

the reference period 2015–2020 with regard to detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings.

The offence of trafficking in human beings was introduced in the Estonian legislation in the **Criminal Code in 2012** (later replaced by Penal Code). Since then the national legal framework related to human trafficking has evolved over the years. In 2013, Estonia transposed the Directive on preventing and combating trafficking in human beings and protecting its victims (2011/36/EU) into the national legislation. In 2014, Estonia signed, and in 2017, ratified the Council of Europe convention on preventing and combating violence against women and domestic violence (Istanbul Convention).⁸⁸ In 2015, Estonia transposed the Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU) into the national legislation.

The term “victim” is defined in Article 37 of the Code of Criminal Procedure as follows: “A **victim** is a natural or legal person whose legal rights have been directly violated by a criminal offence aimed at the person or by an unlawful act committed by a person not capable of guilt. In the case of an attempt to commit a criminal offence, a person is a victim even if, instead of the legal rights attacked, such legal rights are violated the violation of which is covered by the legal rights attacked.”⁸⁹ According to Victim Support Act, “a **victim of trafficking in human beings** is a person in the case of whom criminal proceedings have been initiated with regard to the criminal offence committed against him or her based on the elements of criminal offence provided for in §§ 133 to 133³, 138 to 140 or 175 of the Penal Code⁹⁰ or based on the elements of criminal offence provided for in any other similar foreign penal code.”⁹¹ According to the Article 133 of the Penal Code, **trafficking in human beings** is “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”.⁹³

The term “**presumed**” or “**alleged victim**” is defined in the legislation since 2017 and is related to the victim support services. According to the Article 3 subsection 1² of the Victim Support Act, an alleged victim of trafficking in human beings is a person (1) who has been preliminarily identified in Estonia by an organisation engaged in helping of victims of trafficking in human beings and filed information with the Estonian National Social Insurance Board (SIB) about a suspicion that the person may be a victim of trafficking in human beings; or (2) in respect of whom a competent foreign authority has submitted information to the SIB about falling victim of trafficking in human beings in that state.⁹⁴

In addition, the Article 14(5) of the Obligation to Leave and Prohibition on Entry Act⁹⁵ provides that the return of the third country national is suspended for the reflection period. In accordance with the Directive 2004/81/EC the regulation for granting reflection period and temporary residence permit to a victim of THB is provided for in Aliens Act.

⁸⁸ The Act to Ratify the Council of Europe convention on preventing and combating violence against women and domestic violence, 6 October 2017, available at: www.riigiteataja.ee/akt/226092017002.

⁸⁹ Estonia, Code of Criminal Procedure, available at: www.riigiteataja.ee/en/eli/ee/530102013093/consolide/current.

⁹⁰ Estonia, Penal Code, Article 133 Trafficking in human beings, Article 133¹ Support to human trafficking, Article 133² Pimping, Article 133³ Aiding prostitution, Article 138 Illegal conduct of human research, Article 138¹ Forcing person to donate organs or tissue, Article 139 Illegal removal of organs or tissue, Article 140 Inducing person to donate organs or tissue, and Article 175 Human trafficking with respect to minors.

⁹¹ Estonia, Victim Support Act, available at: www.riigiteataja.ee/en/eli/513052020004/consolide.

⁹² Estonia, Penal Code, available at: www.riigiteataja.ee/en/eli/ee/522012015002/consolide/current.

⁹³ Estonia, Penal Code, available at: www.riigiteataja.ee/en/eli/ee/522012015002/consolide/current

⁹⁴ Estonia, Victim Support Act, available at: www.riigiteataja.ee/en/eli/513052020004/consolide.

⁹⁵ Estonia, Obligation to Leave and Prohibition on Entry Act, available at: <https://www.riigiteataja.ee/en/eli/ee/502072020001/consolide/current>.

Estonia does not have a national action plan to combat trafficking in human beings specifically, but the **National Action Plan for Reducing Violence 2016–2020** included activities in the area of combating THB, including awareness-raising and measures to reduce demand.^{96 97} The **National Coordination on THB in Estonia** is held by the Criminal Policy Department and Analysis Division of the Ministry of Justice. They are also coordinating the **National Co-ordination Network**, that includes all relevant stakeholders, e.g. the Police and Border Guard Board, Social Insurance Board, the Ministry of Social Affairs, the Ministry of the Interior, NGO-s and other relevant actors specialising in the prevention and combating of THB-s.

The practice of detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings has been developing together with the general migration control, asylum system and victim support system. Third country nationals have the right to receive victim support as **part of the same victim support system** as other (presumed) victims of crime. The victim support services are provided by **Estonian Social Insurance Board** which is a public entity operating under the Ministry of Social Affairs.

The number of third country nationals who are presumed victims of THB is low (see more below). However, in 2015–2020 there has been an increase in the number of foreign workers from non-EU countries, mainly Ukraine and Belarus.⁹⁸ Inspection visits to work sites, mainly in the agriculture and construction sectors and calls to the anti-trafficking hotline indicate that there are instances of irregular work and labour migrants experience exploitative circumstances (for example unpaid salaries or working overtime).⁹⁹ The exploitation is found mainly in the sectors of construction, agriculture, and cleaning, catering as well as other industrial sectors. These circumstances might lead to human trafficking. The government is attempting to control the situation and workers are informed about their rights and provided with support, if needed.¹⁰⁰

To tackle the problem of irregular employment, the Ministry of Interior developed an **action plan in 2018 for preventing irregular employment in Estonia**.¹⁰¹ The action plan was renewed in 2019 and it includes various activities which address employment issues of foreigners working in Estonia. Part of the action plan was to make amendments to national legislation. For example, the amendments to Aliens Act in 2018 set out that the fine for legal persons who enable irregular employment was raised from 3200 to 32 000 euros.¹⁰²

Additionally, the relevant stakeholders have strengthened cooperation with the private sector and carried out regular seminars twice a year for various sectors. For example, for two consecutive years there were cooperation seminars carried out with the Hotel Association in Estonia.¹⁰³ The first seminar focused on raising awareness on THB and increased identification of victims of human trafficking, including all forms of violence against children in the hospitality sector. The second

⁹⁶ Strategy for Preventing Violence for 2015–2020 (2015), <https://www.kriminaalpoliitika.ee/et/strategy-preventing-violence-2015-2020>.

⁹⁷ GRETA (2018) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia, First Evaluation Round, available at: <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>.

⁹⁸ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 17.09.2021).

⁹⁹ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 17.09.2021).

¹⁰⁰ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 17.09.2021).

¹⁰¹ Estonia, Ministry of Interior (2019) Action plan to prevent irregular working, available at: www.siseministeerium.ee/et/eesmark-tegevused/kodakondsus-ja-ranne/tegevuskava-ebaseadusliku-tootamise-enetamiseks, (accessed 18.06.2021).

¹⁰² Estonia, Aliens Act, available at: www.riigiteataja.ee/en/eli/517082021004/consolide.

¹⁰³ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.06.2021).

seminar's theme was corporate social responsibility, including subcontracting chains and paying fair salaries.¹⁰⁴

To raise awareness among general public, the Ministry of Social Affairs has carried out surveys to learn about the attitudes and reasoning for purchasing sex. The last study was carried out in 2016 and the information collected within the study was used for carrying out awareness raising activities, as currently one of the obstacles to reduction of demand has been that purchasing sex (in general) is not considered a deviation by general population. For example, in the 2016 study "Survey of the Estonian Population in the Area of Sexual Violence and Trafficking in Human Beings 2016" problematic attitudes towards sexual exploitation were indicated, as the results showed that 26% of participants considered it "necessary because it helps to relieve men's sexual tension and stress".¹⁰⁵ As a follow-up to the survey, an awareness-raising campaign "1 Life" was launched in 2017 with the aim to raise awareness of THB and discourage demand for sexual services.¹⁰⁶ Another outcome was the development of a new programme targeting sex buyers and awareness-raising activities which will be implemented in 2019-2022.¹⁰⁷

In the course of international projects, there have been guidelines prepared in collaboration with University of Tartu and experts from other Baltic Sea states. For example, in May 2020 there were two guidelines ("Navigating through your supply chain – Toolkit for prevention of labour exploitation and trafficking" and "Normative Framework Guide – Responsibility of Businesses Concerning Human Rights, Labour Exploitation and Human Trafficking",) published within the FLOW project aimed at companies that use low-skilled migrant workers through outsourcing, subcontracting and recruitment companies, and labour intermediaries in risk sectors, e.g., construction, cleaning or catering services.¹⁰⁸

Characteristics of detected, identified and protected (presumed) third-country national victims of human trafficking, trafficking purposes, latest patterns and trends in Estonia

The total number of presumed victims has been less than hundred in 2015-2020. The presumed victims have been from Vietnam, Russia, Ukraine, Belarus and Georgia and were mostly women. They are involved with crimes related to pimping and remain in Estonia short-term, and who either do not need or are not interested in getting the available services aimed at them. However, all victim support services are available for them if needed. Among the presumed victims there have been both minors as well as adults. In 2015-2020 there have been no third-country nationals who have been identified as victims of THB in a criminal proceeding.

¹⁰⁴ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.06.2021).

¹⁰⁵ TNS Emor (2016) Soopõhine vägivald ja inimkaubandus 2016. Eesti elanikkonna teadlikkuse uuring soopõhise vägivalda ja inimkaubanduse valdkonnas 2016 (Gender-based violence and human trafficking 2016. Survey of the Estonian Population in the Area of Sexual Violence and Trafficking in Human Beings 2016), available at: https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/eesti_elanikkonna_teadlikkuse_uuring_soopohise_vagivalda_ja_inimkaubanduse_valdkonnas_2016.pdf (accessed 18.09.2021).

¹⁰⁶ The campaign was funded by the EU by Internal Security Fund and co-funded by the Ministry of Internal Affairs. The activities were implemented in collaboration of Ministry of Justice, Ministry of Social Affairs, NGO Living For Tomorrow, Estonian Human Rights Centre and advertising agency IDEA.

¹⁰⁷ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.10.2021).

¹⁰⁸ HEUNI (2020) Two new publications: "Navigating through your supply chain – Toolkit for prevention of labour exploitation and trafficking" and "Normative Framework Guide - Responsibility of Businesses Concerning Human Rights, Labour Exploitation and Human Trafficking", 5 May 2020, available at: www.heuni.fi/en/index/tiedotteet/2020/05/FLOW_new_publications.html (accessed 29.09.2021).

In the 2018 GRETA report it was brought out that the traffickers use less violence and rather use other ways of controlling victims, which makes identification of victims more difficult.¹⁰⁹ Additionally, it can be seen that the schemes connected to THB are internationally organised. The people suspected of being victims of THB are not from Estonia, but rather stay in Estonia for a short time and then leave.

Since 2017, presumed victims are also regarded in the statistics. However, in 2017-2018, there were no presumed victims from third countries, but in 2019, there were 55, and in 2020, 29 presumed victims who were third country nationals. The criteria of presumed THB victims is also somewhat wider compared to criteria of identified victims.

The migration flows in the last 5 years have not influenced trafficking routes. The foreigners enter Estonia from different locations and by various means (i.e. by plane, over a land border point, from harbour) mainly for work purposes. The countries of origin are mostly countries which have a visa-freedom with Estonia (e.g. Ukraine). There is some tendency that migrants who come from African, Asian or East-Balkan countries enter Estonia after having stayed in Russia for some time. Stay in Russia includes also working, and there are a few cases where a person is exploited in the Russian labour market before entering Estonia irregularly. However, there have been very few of such cases and none in the last years, and none of those people have applied for asylum in Estonia.

¹⁰⁹ GRETA (2018) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia, First Evaluation Round, available at: <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>, (accessed: 18.09.2021).

SECTION 1: DETECTION OF THIRD-COUNTRY NATIONALS (PRESUMED) VICTIMS OF TRAFFICKING IN HUMAN BEINGS

The national referral mechanism

In Estonia, the practice of detection, identification, and protection of (presumed) third-country national victims of trafficking in human beings has been developing together with the general migration control, asylum system and victim support system. Third country nationals have the right to receive victim support as **part of the same victim support system** as other (presumed) victims of crime. The victim support services are provided by **Estonian Social Insurance Board** which is a public entity operating under the Ministry of Social Affairs.

The national referral mechanism in Estonia is the following: relevant stakeholders who might come into contact with a (presumed) victim (i.e. Police and Border Guard Board, social service providers in a local municipality, NGO-s assisting victims, labour inspectors or foreign authorities) should notify the Social Insurance Board of having detected a presumed victim of THB, following which information is provided to the law enforcement authorities to allow the initiation of criminal investigation into THB.

National procedures to detect (presumed) third-country national victims of trafficking in human beings trafficking

The national procedures to detect (presumed) third-country national victims of trafficking in human beings in Estonia are self-reporting, awareness raising campaigns, intelligence gathering by investigative services (e.g. police, labour inspectorate), proactive screening in asylum and migration procedures.

To promote and facilitate self-reporting by (presumed) third-country national victims of trafficking in human beings, two measures are in place:

- Migration advice service and counselling service in the Police and Border Guard Board.
- The anti-trafficking hotline at the Social Insurance Board.

Next, developments regarding the national procedures to detect third-country national victims of trafficking in human beings in Estonia are described.

Self-reporting

There has been an anti-trafficking hotline in place since 2004. The hotline was provided by a third sector partner, but was state financed (through a public procurement). Since 2018 the hotline (+372 6607 320) is operated by Estonian Social Insurance Board, which is a public sector organisation operating under the Ministry of Social Affairs.¹¹⁰ The purpose of the service is to inform people about the possibilities of preventing THB, conditions and dangers of working abroad and to help (presumed) victims of THB. The counselling is provided in Estonian, English and Russian.

With the aim of providing better support for all victims of violence, including victims of THB, the Ministry of Social Affairs introduced a national victim support hotline¹¹¹ in 2019 in addition to the specific anti-trafficking hotline. The general victim support hotline helps to detect more victims in need for help. Counselling is provided in three languages: Estonian, Russian, and English. Also, the hotline can be contacted via chat or by e-mail.

In 2017, the Police and Border Guard Board started the migration advice service, which enables foreigners to seek help also about possible cases of THB. Migration advisers are consulting foreigners, employers and everybody who needs information about legal basis to stay and work in

¹¹⁰ Social Insurance Board, Human trafficking prevention hotline, available at: <https://sotsiaalkindlustusamet.ee/et/ohvriabi-ennetustoo/inimkaubanduse-ennetamise-nouandeliin>.

¹¹¹ Victim Support website, available at: www.palunabi.ee.

Estonia. Advisers provide information about different support systems and contacts, if people need assistance. Service is provided in three languages: Estonian, Russian and English. It is possible to get advice via e-mail, phone, Skype and face-to-face meetings..

The Labour Inspectorate has a free legal counselling service, which allows to ask advice regarding problems related to employment (e.g. non-payment of salary, wages below the minimum wage) or to receive information on working conditions for foreign workers. The service can be contacted by e-mail in Estonian, English and Russian. The Labour Inspectorate also has an information line where information on labour relations and the working environment can be obtained in Estonian, Russian and English.

Lastly, the person can turn to the Police and Border Guard Board or the Prosecutor's Office and file a report regarding an offence.

Awareness raising campaigns

There have been several awareness raising campaigns as part of the national strategy for reducing violence in 2015-2020. The campaigns have not been focusing on THB regarding third country nationals per se, but have aimed to raise awareness among general public or special target groups on THB.

The government conducted awareness-raising activities and training programs targeting students, youth workers, and teachers. Namely, in 2018, the Ministry of Justice initiated an optional course in criminal policy at Paide Gymnasium, within the framework of which a lesson is also dedicated to human trafficking. This course was continued in Paide for 2019 and the same course was also initiated in 2019 at Viimsi Gymnasium. The criminal policy course is also in the curriculum of Viimsi Gymnasium for the academic year of 2020 – 2021.

Social Insurance Board and Ministry of Justice have started trainings for youngsters and for persons working with young people to raise their awareness of THB: During the first half of 2020, information was provided through online trainings and virtual meetings, the target group was people working with the youth. Youth workers and teachers were trained three times, once as part of contact training in October 2020 at Lääte Gymnasium, other trainings were attended as online course by members of the Estonian Youth Workers' Council and also by the young people studying youth work at the Tartu University.

Social Insurance Board created a podcast, in Estonian and Russian languages, discussing trafficking and available related social services. In 2020, Social Insurance Board started a podcast for promoting social services and two episodes focusing on THB issues have been made, both in Estonian and also in Russian.¹¹²

In 2018, the Labour Inspectorate carried out an information campaign "Know your rights - guidance and training" ("Tunne oma õigusi - juhendamine ja väljaõpe"), which was aimed at employees and employers. In addition to the campaign, annual information days are organised for employees and employers in co-operation of the Police and Border Guard Board, Tax and Customs Board and the Labour Inspectorate on the topic of recruiting a foreigner. Additionally, during inspections, the inspectors have opportunity to distribute both to the employers and the employees an information leaflet "Working in Estonia as a foreigner" ("Välismaalase töötamine Eestis") which contains information in Estonian, English and Russian, but also contacts of authorities from whom they can ask for help and advice. The Labour Inspectorate has created a separate "Foreign Worker" section on its website. The section is constantly and continuously updated.

¹¹² Social Insurance Board podcasts can be found here: <https://podcast.ee/sotsiaalkindlustusameti-taskuhaaling>.

Number of awareness raising activities in the reference period were done within international projects or in international cooperation actions:

Council of Baltic Sea States (CBSS) project HOF-BSR¹¹³ aimed to develop the Baltic Sea Region as a model region in identification and provision of comprehensive and sustainable assistance to victims of THB by focusing on maximizing the effectiveness and unifying practical cooperation among experts involved in the fight against human trafficking. The project activities included developing a Transnational Referral Mechanism (TRM) in the Baltic Sea Region, and addressing the gender dimension of human trafficking and victim-blaming stereotypical attitudes by providing mass media with knowledge and tools needed to report on human trafficking cases. Within the project, media guidelines¹¹⁴ and glossary of THB terminology¹¹⁵ were produced. Two seminars were organised for journalists to introduce these materials.

The CBSS project FLOW (“Flows of illicit funds and victims of human trafficking: uncovering the complexities 2018 – 2020”)¹¹⁶, which aimed to promote a holistic approach to the prevention and investigation of THB in conjunction with economic crime and engages businesses in the prevention of THB. Several seminars were carried out with stakeholders engaged into the work against labour exploitation, incl. enterprises from construction sector, and guidelines were developed for enterprises and law enforcement agencies.¹¹⁷

The CAPE project (“Competence building, assistance provision and prosecution of labour exploitation cases in the baltic sea region”) addresses THB for labour exploitation in all CBSS Member States. The main objective of the project is to support stakeholders in combating and disrupting human trafficking for labour exploitation by analysing and consolidating information, improving assistance to victims and stepping up prosecution of traffickers. The project will involve a baseline research component on trafficking for labour exploitation in Denmark, Germany, Latvia, Poland and Norway; three transnational experts’ workshops in Norway, Finland and Germany with professionals and practitioners from all CBSS member states; a high-level conference to present the project outcomes and required actions in the CBSS Member States.

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

Intelligence gathering by investigative services (e.g. police, labour inspectorate)

The police are utilising an IT tool for screening Internet-based announcements of offers of sexual services and approaching persons proposing such services to determine whether cases of THB for sexual exploitation or other related crimes are taking place.

¹¹³ TF-THB project website: <http://www.cbss.org/safe-secure-region/tfthb>.

¹¹⁴ CBSS (2019) “THB in media and for media” (“Inimkaubandusest meedias ja meediale”), available at: https://cbss.org/wp-content/uploads/2020/03/Media_guidelines_EE-min.pdf.

¹¹⁵ CBSS (2019) THB Glossary (Inimkaubanduse selgitav sõnastik), available at: https://www.kriminaalpolitika.ee/sites/krimipolitika/files/elfinder/dokumentid/wtb12874_inimkaubaduse_glossary_es_t_final.pdf.

¹¹⁶ FLOW project website: <https://heuni.fi/-/flow>.

¹¹⁷ Jokinen, A. & Ollus, N. (eds.) (2019) Shady business. Uncovering the business model of labour exploitation, available at: <https://heuni.fi/-/report-series-92a>.

Proactive screening in asylum and migration procedures

In 2020, the Police and Border Guard Board started using an additional assessment tool for assessing vulnerabilities of a person. The tool contains a checklist for basic aspects necessary to identify whether the person is in a vulnerable situation, e.g. has been involved in THB.

Procedural safeguards

In order to grant procedural safeguards for the categories for detection described above, there are several procedural safeguards in place. Firstly, in 2019, the guidelines of the referral and identification of the victims¹¹⁸ was updated and is in use for all the specialists getting into contact with victims of THB. Special attention has been paid on how to work with foreigners. The guidelines were introduced to relevant stakeholders at special trainings.

The services provided to victims of THB are in detail described in the Victim Support Act.¹¹⁹

Vulnerable persons: According to the Article 15¹ of the Act on Granting International Protection to Aliens¹²⁰ and Article 6⁷ of the Obligation to Leave and Prohibition on Entry Act¹²¹, the specific situation of a vulnerable person and the special needs arising from that situation are taken account of in the international protection proceedings. An applicant with special needs is, in particular, a vulnerable person, such as a minor, an unaccompanied minor, a disabled person, an elderly person, a pregnant woman, a single parent with minor children, a victim of trafficking, a person with serious illness, a person with mental health problems and a victim of torture or rape or a person who has been subjected to other serious forms of psychological, physical or sexual violence. A person is deemed to be an applicant with special needs when the Police and Border Guard Board have established his or her special need. In such case all the specifications provided for in the Act on Granting International Protection to Aliens have be applied to him/her and s/he has to be enabled the support corresponding to his/her special need. Where necessary, other administrative authority or expert has to be involved in the identification of a special need. The special need has to be identified as soon as possible after the submission of the application.

Organisations and authorities trained and/or competent to detect (presumed) third-country national victims of trafficking

The authorities involved in the detection and identification of third-country nationals who are (presumed) victims of trafficking in human beings vary from one Member State to another. While a variety of authorities are competent to detect (presumed) victims, identification is usually carried out by a limited number of authorities. In Estonia, different organisations and authorities carry a different role and have gone through different types of training to be able to detect (presumed) victims of trafficking in human beings. The following table (see table 2) and overview presents details regarding this per each organisation/authority type.

¹¹⁸ The guidelines of the referral and identification of the victims (2019), available at: www.kriminaalpoliitika.ee/et/inimkaubandus/juhendmaterjalid.

¹¹⁹ Estonia, Victim Support Act, available at: www.riigiteataja.ee/en/eli/513052020004/consolide.

¹²⁰ Estonia, Act on Granting International Protection to Aliens, available at: www.riigiteataja.ee/en/eli/ee/530062020004/consolide/current.

¹²¹ Estonia, Obligation to Leave and Prohibition on Entry Act, available at: <https://www.riigiteataja.ee/en/eli/ee/502072020001/consolide/current>.

Table 2. Organisations and authorities trained and/or competent to detect (presumed) third-country national victims of trafficking

Organisation / authority	Trained to detect (presumed) third-country national victims of trafficking?	Competent to detect (presumed) third-country national victims of trafficking?
The Police and Border Guard Board (incl. police, border guards, migration services, asylum case officers)	Yes	Yes
Prosecutor's Office	Yes	Yes
Social Insurance Board	Yes	Yes
Labour inspectors	Yes	Yes
Employers	No	Yes
Trade unions	No	No
General practitioners	Yes	No
Other health workers	No	No
Civil society organisations	Yes	Yes

The Police and Border Guard Board (incl. police, border guards, migration services, asylum case officers)

The Police and Border Guard Board trains their staff yearly to renew the knowledge and skills to identify vulnerable victims, incl. victims of THB and refer them to the services aimed for them such that they could get personalised help. The investigators who work with cases related to asylum seekers are yearly trained by the programme foreseen by EASO. These officials then pass on the knowledge to other officials who might come into contact with asylum seekers or victims of THB, for example border guard officials.

Training on the topic of THB 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 Police and Border Guard Board trains their staff yearly to renew the knowledge and skills to identify vulnerable victims, incl. victims of THB and refer them to the services aimed for them such that they could get personalised help. The investigators who work with cases related to asylum seekers are yearly trained by the programme foreseen by EASO. These officials then pass on the knowledge to other officials who might come into contact with asylum seekers or victims of THB, for example border guard officials.

Prosecutor's Office

The formal identification of a victim of THB is linked to the opening of a criminal investigation into THB or a related offence and can only be carried out by law enforcement authorities, i.e. the Prosecutor's Office or Police and Border Guard Board.

Social Insurance Board

According to the Article 3 subsection 1² of the Victim Support Act, an alleged victim of THB is a person (1) who has been preliminarily identified in Estonia by an organisation engaged in helping of victims of THB and filed information with the Estonian National Social Insurance Board about a suspicion that the person may be a victim of trafficking in human beings; or (2) in respect of whom a competent foreign authority has submitted information to the Social Insurance Board about falling victim of trafficking in human beings in that state.¹²²

Labour inspectors

Labour inspectors have undergone a training of foreign workers. The training covered among others the following topics: Treatment of a foreign worker in Estonia from the legal theory point of view of Estonian law and EU law and private international law; Cross-border social security and A1-forms; Victim support (signs of labour exploitation and / or human trafficking), problems in the client's view to turning to the Labour Dispute Committee.

In the period 2017 - 2019, one labour inspector from the Labour Inspectorate (total of 3 labour inspectors) have taken part in the simulation course "Combating Human Trafficking along Mediterranean Migration Routes" organized by the Organization for Security and Co-operation in Europe (OSCE). The purpose of the simulation was to enhance co-operation between countries and various organizations in identifying and assisting victims of human trafficking, as well as in prosecuting criminals. The simulation included realistic cases of occupational and sexual exploitation of migrants, incl. cases involving children.

Employers

There have been several thematic trainings for employers on issues regarding to THB.

For example, cooperation has been strengthened with the private sector and the Hotel Association in Estonia in particular.¹²³ For two consecutive years there have been cooperation seminars carried out. The first seminar focused on raising awareness on THB and increased identification of victims of human trafficking, including all forms of violence against children in the hospitality sector. The second seminar's theme was corporate social responsibility, including subcontracting chains and paying fair salaries.¹²⁴

General practitioners

IOM has conducted trainings on the subjects of "Migration and Health" in 2019, with the target groups being healthcare providers, representatives of the Police and Border Guard Board and the social sector. THB has not been the main topic, but has received some attention and mention. All that has been in view of migration.

Civil society organisations

Civil society organisations have been part of the national roundtable of THB and participated in the thematic trainings. Until 2021, a partner organisation NGO Lifeline had centers in three cities (Tallinn, Jõhvi and Tartu) and provided legal, psychological and social counselling to victims of THB.

¹²² Estonia, Victim Support Act, available at: www.riigiteataja.ee/en/eli/513052020004/consolide.

¹²³ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.09.2021).

¹²⁴ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.09.2021).

Until 2017, several trainings were carried out by partner organisation NGO Living For Tomorrow who was also operating the human trafficking hotline before 2018 when it became operated by the Estonian Social Insurance Board. The training activities have been on the local, regional or state level.

SECTION 2: IDENTIFICATION OF (PRESUMED) THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS

In Estonia, the formal identification of a victim of THB is linked to the opening of a criminal investigation into THB or a related offence and can be carried out by a law enforcement authority – the Prosecutor’s Office. Other authorities and organisations are competent to identify presumed victims may refer them to be formally identified by these organisations.

Table 3. Organisations/authorities competent to identify (presumed) third-country national victims of trafficking

Organisation / authorities	Competent to identify <u>presumed</u> third-country national victims of trafficking	Competent to identify third-country national victims of trafficking
Police	Yes	No
Border guards	Yes	No
Migration services	Yes	No
Asylum case officers	Yes	No
Prosecutor’s Office	Yes	Yes
Social Insurance Board	Yes	No
Labour inspectors	Yes	No
Civil society organisations	Yes	No

The identification process among different organisations and authorities is the following:

Police

In Estonia, the police and border guards operate within the same organisation: the Police and Border Guard Board. The formal identification of a victim of THB is linked to the opening of a criminal investigation into THB or a related offence and can be carried out by a law enforcement authority, which is the Prosecutor’s Office.

Border guards, migration services and asylum case officers

In Estonia, the police and border guards operate within the same organisation: the Police and Border Guard Board. However, the border guards, migration services or asylum case officers can carry out an initial assessment and identify only presumed victims.

Prosecutor’s Office

The formal identification of a victim of THB is linked to the opening of a criminal investigation into THB or a related offence and can be carried out by a law enforcement authority, which can also be the Prosecutor’s Office.

Social Insurance Board

Social Insurance Board may identify a presumed victim by filling a checklist based on the client's info, or accepting the checklist compiled by a contractual partner.¹²⁵ The criminal proceeding is then commenced by the Prosecutor's Office to formally identify a third-country national victim of THB.

Labour inspectors

According to the Article 3 Subsection 1² of the Victim Support Act, an alleged (presumed) victim of trafficking in human beings is a person who has been preliminarily identified in Estonia by an organisation engaged in helping of victims of trafficking in human beings and filed information with the Estonian National Social Insurance Board about a suspicion that the person may be a victim of trafficking in human beings.¹²⁶ Therefore Labour Inspectorate and labour inspectors working in the organisations can identify presumed victims.

Civil society organisations

According to the Article 3 Subsection 1² of the Victim Support Act, an alleged (presumed) victim of trafficking in human beings is a person who has been preliminarily identified in Estonia by an organisation engaged in helping of victims of trafficking in human beings and filed information with the Estonian National Social Insurance Board about a suspicion that the person may be a victim of trafficking in human beings.¹²⁷ Therefore civil society organisations working with target groups who may be involved with THB can identify presumed victims.

Formal identification in relation to be granted a reflection period , a residence permit, or a protection status

In Estonia, a (presumed) third-country national victim does not have to be formally identified by a competent authority in order to be **granted a reflection period , a residence permit, or a protection status**. According to the Article 205 of the Aliens Act, upon the decision of the prosecutor's office a reflection period of 30 to 60 calendar days is granted to the foreigner from the moment when s/he is notified of the services offered during the reflection period, of the possibilities and conditions of the issue of a temporary residence permit for participation in criminal proceedings and granting of international protection, and can make a decision whether s/he wishes to cooperate with the investigative authority or the Prosecutor's Office.

The presumed victim also doesn't have to be formally identified to apply for a residence permit or protection status. But the (presumed) victim has to be formally identified to be granted a residence permit or protection status.

The referral mechanism

The referral mechanism of third country nationals who are (presumed) victims of human trafficking have **the right to receive victim support as part of the same victim support system as other (presumed) victims of crime**. According to the Article 3 subsection 1² of the Victim Support Act, an alleged victim of THB is a person (1) who has been preliminarily identified in Estonia by an organisation engaged in helping of victims of THB and filed information with the Estonian National Social Insurance Board about a suspicion that the person may be a victim of trafficking in human beings; or (2) in respect of whom a competent foreign authority has submitted information to the Social Insurance Board about falling victim of trafficking in human beings in that state.¹²⁸

¹²⁵ The guidelines of the referral and identification of the victims (2019), available at: www.kriminaalpoliitika.ee/et/inimkaubandus/juhendmaterjalid.

¹²⁶ Estonia, Victim Support Act, available at: www.riigiteataja.ee/en/eli/513052020004/consolide.

¹²⁷ Estonia, Victim Support Act, available at: www.riigiteataja.ee/en/eli/513052020004/consolide.

¹²⁸ Estonia, Victim Support Act, available at: www.riigiteataja.ee/en/eli/513052020004/consolide.

SECTION 3: PROTECTION OF (PRESUMED) THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS

The EU recognises the considerable suffering and long-lasting harm that trafficking in human beings causes to victims, their families, and society at large. It has therefore adopted several measures to ensure that (presumed) victims are adequately protected and supported. The most recent Strategy on Combating Trafficking in Human Beings (2021-2025) sets out protection and empowerment of the victims of trafficking in human beings as one of three pillars for EU action.¹²⁹ Several EU legislative instruments stipulate how EU Member States should treat (presumed) victims of human trafficking. These have been implemented in different ways, sometimes going beyond the minimum standards to enhance the support and protection of (presumed) victims.

This section summarises the measures implemented by Estonia and is structured around two main types of protection mechanisms:

- Protecting (presumed) victims by granting the right to stay, and
- Providing (presumed) victims of trafficking in human beings access to support, assistance and protection measures.

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Information on risks and protection mechanisms	Yes, victim counselling is provided both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authorities: Social Insurance Board, Police and Border Guard Board, Prosecutor's Office				
Appropriate and safe accommodation	Yes, access to shelter is provided both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				
Necessary medical treatment	Yes, necessary medical treatment is granted both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				
Counselling and information	Yes, social counselling, victim counselling, help when contacting state organisations and local government authorities and legal persons is provided both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				

¹²⁹ European Commission, Communication on the EU Strategy on Combating Trafficking in Human Beings (2021-2025), COM(2021) 171 final, 2021; European Commission, Communication on the EU Strategy on victims' rights (2020-2025), COM(2020) 258 final, 2020; European Commission, Communication on the EU Strategy on the rights of the child, COM(2021) 142 final, 2021.

Type of assistance	Reflection period	Dublin III procedure	Asylum procedure	Residence permit holders	Short term visa/visa-free stay
Legal assistance	Yes, legal assistance and where appropriate representation of the person in pre-trial proceedings, judicial and administrative authorities, investigative bodies, bailiffs and other third parties is provided both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				
Translation and interpretation	Yes, translation and interpretation is provided to both to presumed victims and victims of THB to receive victim support services (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				
Psychological assistance	Yes, psychological assistance is provided both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				
Subsistence (material assistance)	Yes, material assistance is provided both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				
Social and economic integration	n/a	n/a	n/a	Residence permit holders have the right to participate in the Welcoming Programme.	n/a
Protection against re-victimisation	n/a	n/a	n/a	n/a	n/a
Food	Food is provided both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				
Support person	When needed, a support person service is provided both to presumed victims and victims of THB (Article 3 Subsection 2 of the Victim Support Act). Responsible authority: Social Insurance Board				

The principle of non-refoulement for victims of trafficking in human beings

According to Article 17¹ of the Obligation to Leave and Prohibition on Entry Act¹³⁰, an alien may not be returned to a where it may bring along 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 a 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). In addition, according to the Article 14 (5) of the Aliens Act, the return is suspended on the proposal of the Prosecutor's Office for the reflection period¹³¹. The Prosecutor's Office or an investigative body on the order of the Prosecutor's Office will notify the person of the opportunities and conditions for suspension of the return of the person.

The Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)¹³² seeks to protect women against gender-based violence. Articles 60 and 61 specifically deal with gender-based asylum claims and the application of the principle of non-refoulement in cases of gender-based violence. The former requires countries to recognise gender-based violence against women as a form of persecution, to ensure a gender-sensitive interpretation with regard to each of the Geneva Convention grounds for persecution, and to develop gender-sensitive reception procedures and support services. The latter establishes that victims of such violence who are in need of protection - regardless of their status or residence - shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhumane or degrading treatment or punishment.

In Estonia the Article 60 and 61 of the Istanbul Convention are implemented as follows. Article 60 has been implemented in Articles 4, 10, 15, 15¹, 18 (10) and 19 of the Act on Granting International Protection to Aliens.¹³³ Article 61 has been implemented in Article 17¹ of the Obligation to Leave and Prohibition on Entry Act¹³⁴ and Article 50 of the Act on Granting International Protection to Aliens.¹³⁵

- An alien 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).
- The Police and Border Guard Board shall not expel or return a refugee to a state where his or her life or freedom would be threatened on account of race, nationality or religion or membership of a particular social group or political opinions.
- The Police and Border Guard Board may expel or return an alien without applying the specifications of subsection (1) of this section, if (1) there is good reason to believe that the

¹³⁰ Estonia, Obligation to Leave and Prohibition on Entry Act, available at: <https://www.riigiteataja.ee/en/eli/ee/502072020001/consolide/current>.

¹³¹ Estonia, Article 205 of the Aliens Act, available at: <https://www.riigiteataja.ee/en/eli/527052022001/consolide>.

¹³² Council of Europe, Convention on Preventing and Combating Violence Against Women and Domestic Violence, 2011, <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>.

¹³³ Estonia, Act on Granting International Protection to Aliens, available at: www.riigiteataja.ee/en/eli/530062020004/consolide.

¹³⁴ Estonia, Obligation to Leave and Prohibition on Entry Act, available at: www.riigiteataja.ee/en/eli/ee/502072020001/consolide/current.

¹³⁵ Estonia, Act on Granting International Protection to Aliens, available at: www.riigiteataja.ee/en/eli/530062020004/consolide.

alien poses a threat to national security; (2) 2) a judgment of conviction in the first degree crime has entered into force with regard to an alien.

Typologies of reflection periods, residence permit(s), protection status(es) and national programme(s) available to protect (presumed) third-country national victims of trafficking

The Prosecutor's Office or Police and Border Guard Board are two authorities who can trigger the request for a (presumed) victim of trafficking in human beings to remain in Estonia. The third-country national victims of trafficking in human beings cannot submit a request for a reflection period themselves.

The reflection period is provided for presumed third-country national victims only when there is a criminal offence related to the case and the person is regarded as a victim or witness. According to the Article 205 of the Aliens Act¹³⁶, a reflection period is granted by a prosecutor or an investigator upon a prosecutor's request. The reflection period shall last from 30 to 60 days and has the purpose of allowing the person concerned to decide whether s/he wishes to co-operate with the investigative authority or prosecution. The Aliens Act stipulates that the Prosecutor's Office or an investigative authority has to notify the person of the services offered during this period and the possibility and conditions for issuing a temporary residence permit for the purpose of participation in criminal proceedings or international protection.

The **duration of the reflection period lasts 30–60 days** with the **purpose** of allowing the person to decide if s/he wants to cooperate with the investigative authority or prosecutor. The reflection period is granted when the Prosecutor's office has ground to believe that the person is a victim or witness of a criminal offence related to THB.

Third-country national victims of trafficking in human beings **expected to cooperate with the authorities during the reflection period**. But according to the Article 206 of the Aliens Act¹³⁷, the Prosecutor's office may revoke the decision for granting a reflection period to an alien prematurely if an alien has voluntarily and on his or her own initiative renewed contacts with a person who is being suspected or accused of committing a criminal offence, or if an alien constitutes a threat to public order or national security.

For victims or witnesses (i.e. the presumed victim is regarded as a witness in the case) of THB: a **temporary residence permit for the purpose of participation in criminal proceedings** to remain legally in Estonia. The duration of the temporary residence permit is from 6 to 12 months, renewable for up to a year at a time. The temporary residence permit may be revoked when the criminal proceedings are terminated, or if the person is no longer contributing to the clarification of facts relating to the criminal offence, or has voluntarily and on his/ her own initiative renewed contacts with the suspected or accused persons.

The conditions for getting this permit granted is provided in Aliens Act. According to Article 203 of the Aliens Act¹³⁸, a foreigner may be issued a temporary residence permit for participation in criminal proceedings for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if s/he is a victim or a witness in a criminal procedure related to THB and does not pose a threat to public order or national security. Presumed victims can be granted with TRP only when considered witnesses in the criminal procedure.

¹³⁶ Estonia, Aliens Act, available at: www.riigiteataja.ee/en/eli/517082021004/consolide.

¹³⁷ Estonia, Aliens Act, available at: www.riigiteataja.ee/en/eli/517082021004/consolide.

¹³⁸ Estonia, Aliens Act, available at: www.riigiteataja.ee/en/eli/517082021004/consolide.

SECTION 4: INTERNATIONAL COOPERATION BETWEEN MEMBER STATES AND WITH THIRD COUNTRIES IN ADDRESSING DETECTION, IDENTIFICATION AND PROTECTION OF (PRESUMED) THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Due to the cross-border and cross-cutting nature of trafficking in human beings, **cooperation at local, national and international level is a crucial element** in the fight against this crime, not only in terms of investigation and prosecution, but also to detect, identify and protect victims. This section examines the **nature and extent of Member State cooperation in the context of the Dublin III Regulation, as part of EU and international initiatives, and in partnership with third countries.**

(Presumed) third-country national victims of trafficking in human beings are sometimes detected during the implementation of the procedures envisaged by the Dublin III Regulation. This can occur when they have **lodged an application for international protection in a Member State other than the Member State that the Dublin III Regulation designates as responsible for examining the application** (for example, or when they entered a Member State irregularly and then moved onward to another country). Usually, where a suspicion arises that a third-country national may be a victim of human trafficking, a formal assessment is carried out by the competent authorities and/or the Member State of first entry is duly informed.

However, in Estonia there have been no victims of THB who have been subject to the Dublin Regulation in this context. If such situation happens, it will be approached on a case-based approach. Implementing the Dublin III regulation does not strip the rights that the person has by the Victim Support Act or the Aliens Act. The person is not allowed to leave the country where the proceeding is taking place. If the person still leaves the country, the person has the right as well as responsibility to return to the country where the proceeding for international protection is taking place. In case the person applies for international protection in the other MS, the countries will determine which one will be responsible for the proceeding.

Additionally, in case the person has right for victim support services as of the Victim Support Act, it would be reasonable to continue the proceeding for international protection in Estonia. In case the person qualifies for a living permit as of Article 37 of the Act on Granting International Protection to Aliens or as of Article 203 of the Aliens Act, the person has to choose based on which status s/he would like to live in Estonia.

In case a transfer to the other country is not possible, an extension is requested from the receiving country, or Estonia takes responsibility for proceeding the application for international protection. In such case the person can choose whether s/he wants a living permit for participating in a criminal proceeding or for international protection (only in case the person qualifies for international protection based on the form of persecution. If the prolongment of the deadline is not possible, Estonia will automatically be the responsible country.

The process of identifying a victim during the Dublin Procedure consists of several questioning rounds taking place at different stages of the procedure for international protection. Each of them also addresses determining the vulnerability of the person. If needed, doctors and/or psychologists are included if there is a need to collect medical evidence.

The **reflection period** for presumed third-country national victims of trafficking in human beings identified during the Dublin procedure is given when the Prosecutor's office has ground to believe that the person is a victim or witness of a criminal offence related to THB. The reflection period may last from 30 to 60 days and has the purpose of allowing the person concerned to decide whether s/he wishes to co-operate with the investigative authority or prosecution.

Estonia has not used the humanitarian and sovereignty clauses under Articles 3 and 17 of Dublin III Regulation for cases of trafficking in human beings.

Other intra-EU cooperation mechanisms in place for detection, identification and protection of (presumed) third-country national victims of trafficking in human beings.

Cooperation at EU level plays a strategic role in the fight against trafficking in human beings. It can take different forms, ranging from networks and mechanisms for exchanging information and good practices (including within EU agencies), to joint operations that reinforce collaboration between competent authorities, to specific ad hoc initiatives in response to emerging needs or challenges.

The most relevant collaboration for Estonia has been the **Council of the Baltic Sea States Task Force against Trafficking in Human Beings (TF-THB)** and cooperation in several **international projects**, incl. STROM, STROM II and ADSTRINGO. This has provided an opportunity to share experiences among other countries of the same region, issue guidelines which are relevant for all countries in the region. In 2019, the CBSS TF-THB launched a Transnational Referral Mechanism (TRM) for the Baltic Sea Region, and in addition, Bulgaria, Romania and Ukraine.¹³⁹ The TRM was developed in the framework of the transnational project “Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region” (HOF-BSR). The project was funded by the Swedish Government Offices and the Swedish Institute.¹⁴⁰

In addition, Estonia takes part in other **thematic networks**, incl. the EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings, the network Council of Europe Convention on Action against Trafficking in Human Beings, and the Council of Baltic Sea States.

Cooperation with third countries

Cooperation between EU Member States and third countries in the fight against trafficking in human beings can be divided into two main categories of intervention: cooperation to ensure the safe return and reintegration of victims of trafficking in human beings (with a particular focus on children); and initiatives to strengthen police cooperation and facilitate investigations into labour exploitation.

In 2019, the CBSS TF-THB launched a **Transnational Referral Mechanism (TRM) for the Baltic Sea Region**, and in addition, Bulgaria, Romania and Ukraine.¹⁴¹ The TRM was developed in the framework of the transnational project “Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region” (HOF-BSR). The project was funded by the Swedish Government Offices and the

¹³⁹ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.07.2021).

¹⁴⁰ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.07.2021).

¹⁴¹ Council of Baltic Sea States (2020) Human Trafficking – Baltic Sea Region Round-Up, available at: www.cbss.org/16611-2, (accessed 18.07.2021).

SECTION 5: KEY CHALLENGES AND GOOD PRACTICES IN MEMBER STATES, INCLUDING IN LIGHT OF THE COVID-19 PANDEMIC

Key challenges

The outbreak of the **COVID-19 pandemic** has added significant challenges to the work of those involved in combating trafficking in human beings and supporting victims. The public health measures introduced by governments to slow down the spread of the virus, such as isolation and quarantine, lockdowns, social distancing and travel bans, also impacted on the extent to which national authorities and other relevant organisations could detect, identify, support and protect (presumed) victims.

The disruption in the economy resulting from the pandemic has dramatically increased the vulnerability of some people who were already at risk of becoming victims of trafficking. Several EU Member States have already observed a rise in illegal and criminal activity, along with forced prostitution, or anticipate such a rise, given the restricted possibilities to detect (and identify) victims during the pandemic.

The main consequence of COVID-19 pandemic on the detection, identification and protection of (presumed) victims, however, has been that **the number of presumed victims decreased** (which can be linked to travel restrictions during 2020 COVID-19 pandemic). In addition, travel restrictions because of COVID-19 pandemic affected labour market situation regarding movement of foreign workers and also had effect on committing pimping. For example, criminals tried to use other transport means (instead of flights) to bring persons engaged into prostitution to country. Overall, due to the travel restrictions, the number of cases as well as the number of presumed victims who were in contact with Social Insurance Board decreased (29 in 2020, versus 54 in 2019).

To adapt to the challenges of the COVID-19 pandemic, the **proportion of web-based activities was increased in Estonia**. For example, Estonia launched a **nationwide e-learning initiative in schools**, led by law enforcement organizations and anti-trafficking experts, to combat and raise awareness of the rise of online sex trafficking and child exploitation during the pandemic.

In Estonia, however, the main challenge for authorities working in the field of human trafficking that has emerged is that **traffickers use less violence and rather use other ways of controlling victims, which makes identification of victims more difficult**.¹⁴²

Secondly, in the reference period (2015-2020) there has been a significant improvement in the capacity of relevant organisations who come in contact with (presumed) victims of THB. There have been guidelines developed from state funding but also as a deliverable from an international project. There have been seminar and trainings carried out to learn about these outputs. However, **the capacity to raise awareness even more is limited by the available financial resources**. The lack of financial resources hinder the process of raising awareness about the different nuances of THB.

To **tackle these challenges**, the working process for the new period violence prevention strategy is ongoing and in 2020 a concept for the new strategy for preventing violence was prepared in cooperation with wide variety of partners from public and third sector of those who are in contact with the violence issues. The new strategy is more in a form of a joint statement of the priorities and agreements of the field for the years 2020-2025, and it considers the suggestions for violence prevention and taking notice to the areas relevant to address in Estonia. New strategy will be a compilation of the priorities of preventing and tackling violence on the state level, focusing further to the violence between children, abuse of children, domestic violence (intimate partner violence), sexual violence and trafficking in human beings in setting up around 14 priority themes.

¹⁴² GRETA (2018) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia, First Evaluation Round, available at: <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>, (accessed: 19.10.2021).

Developmental plans and assignments for different stakeholder will be described in the thematical developmental plans of the ministries responsible for the matters, for example investigation priorities described as actions in the developmental plans of the Ministries of Interior and Justice and victim support services are described in the developmental plan of the Ministry of Social Affairs. New statement of violence prevention goes in line with recent changes for the government level intersectoral strategies - there are less thematical strategies and most of the themes are covered within the programs of the ministries responsible of the field of THB.

In light of possible new trends and developments, the national experts working in the field predict that although Estonia has been over the years mainly the country of origin and also transit of THB, that Estonia will become also a country of destination.

Good practices

Next to challenges, there are also good practices in relation to detection, identification and protection of (presumed) third-country national victims of trafficking in human beings in Estonia.

The one good practice in the context of detection and identification of presumed victims, mentioned by the interviewed national experts is the **anti-trafficking hotline** which has been in place since 2004. The hotline was provided by a third sector partner, but was state financed (through a public procurement). Since 2018 the hotline (+372 6607 320) is operated by Estonian Social Insurance Board, which is a public sector organisation operating under the Ministry of Social Affairs. The purpose of the service is to inform people about the possibilities of preventing THB, conditions and dangers of working abroad and to help (presumed) victims of THB. The counselling is provided in Estonian, English and Russian. The counsellors of the anti-trafficking hotline have close cooperation with Labour Inspectorate and help people to write claims to receive the salaries not paid to them.

The hotline is involved in both preventive work as well as helping the (presumed) victims. One good aspect to point out is that the counsellors of the anti-trafficking hotline have close cooperation with Labour Inspectorate and help people to write claims to receive the salaries not paid to them.

Secondly, the second good practice is the **strengthened cooperation with the private sector in reduction of demand for THB for labour exploitation**. The relevant stakeholders have strengthened cooperation with the private sector and carried out regular seminars twice a year for various sectors. For example, for two consecutive years there have been cooperation seminars with the Hotel Association in Estonia. The first seminar focused on raising awareness on THB and increased identification of victims of human trafficking, including all forms of violence against children in the hotels and restaurants sector. The second seminar's theme was corporate social responsibility, including subcontracting chains and paying fair salaries.

In the course of international projects, there have been guidelines prepared in collaboration with Tartu University and experts from other Baltic Sea states. For example, in May 2020 there were two guidelines published within the FLOW project aimed at companies that use low-skilled migrant workers through outsourcing, subcontracting and recruitment companies, and labour intermediaries in risk sectors, e.g., construction, cleaning or catering services.

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