TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES IN EUROPE: THE SENDING COUNTRIES

Estonia country report

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1. **INTRODUCTION**

Estonia is a country of 1.4 million inhabitants, more than a quarter of them living in the capital city, Tallinn. 68% of the population are Estonians, 26% Russians and 6% are of other nationalities. 80% of all inhabitants are Estonian citizens, 8% are the citizens of Russia or other states, and 12% are people with no defined citizenship. In the Human Development Index, Estonia holds the 42nd position. The unemployment rate in the year 2002 was 10.3%. When categorised by age and gender, the unemployment rate was highest among 15-24 year old women at 22.5% (in the category of the age group as a whole, it was 17.6%).

**The issue of trafficking**

Like in other post-soviet countries, the Estonian sex industry started to thrive after the country’s new independence in the middle of the 1990s, when the number of brothels and persons involved in prostitution increased tremendously. Drug trafficking, prostitution, and excise fraud are the main income sources for organised crime today.

During the past few years there has been more public awareness on the issue of cross-border trafficking of persons, as well as the prostitution problem. From the middle of the 1990s there has been much discussion in Estonian society about the possible legalisation of prostitution. Today there are also strong statements made in favour of criminalizing the purchase of sexual services. When discussing prostitution and trafficking, the two issues are mostly seen as separate from each other, and the former does not automatically mean the latter.

The prevention campaign of the International Organisation for Migration (IOM) in autumn 2001 was very important in provoking discussion and reflection on the trafficking issue. The Nordic-Baltic Campaign against Trafficking in Women in 2002 continued the work with the wider public. Several researches and seminars were conducted in the framework of both projects.

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1 SOE 2003; Vetik 2003: 8
2 Saar, Markina, Ahven, Annist, Ginter 2002:85-98
Today the number of institutions and organisations which have direct experience of working on the issue of cross-border trafficking is small, and mostly they have come across very few cases. For example, the Estonian Border Guards know of one case of illegal hidden trafficking of women across the Estonian border (it involved adults); they also know of some single cases involving sexually exploited women who returned to Estonia with an entry permit. The Citizenship and Migration Board has not come across any cases of trafficking for the purposes of sexual exploitation. Police statistics only disclose a few cases connected with trafficking and sexual exploitation of minors (See Annex 1).

There are some non-governmental organisations (NGOs) that support the victims of trafficking among their other activities, by helping with repatriations or with prevention work. There is no organisation which only works with trafficked and sexually exploited persons. Today there is no state level strategy or programme in Estonia on preventing and combating trafficking and supporting victims. No significant separate attention has been given to the involvement of minors in cross-border trafficking.

The Republic of Estonia has ratified the following conventions that are relevant to the issues of trafficking and sexual exploitation:

- UN Convention on the Elimination of All Forms of Discrimination Against Women – RT II 1995, 5/6, 31
- UN Convention Against Transnational Organised Crime (CATOC) – RT II 2003, 1, 1.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN CATOC was signed in September 2002, but has not been ratified.

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3 The data was given in interviews with representatives of the institutions mentioned.
In conclusion, international trafficking in persons is in its early stage of development in Estonia. As a result of the work done so far the wider public has only recently become acquainted with the term “trafficking in persons”.

2. METHODOLOGY OF THE RESEARCH

The research process in Estonia began with desk research in March 2003. From April to the middle of July 2003, 20 semi-structured interviews were conducted with experts who come across the subject of trafficking in persons in the course of their work (one interview was done with two persons), namely, state officials, the representatives of NGOs and international organisations. Four interviews out of twenty were not taped in accordance with the request of the interviewed person, or since there was very little information available. In those cases, the interviewer took notes. Additionally 10 experts were contacted with whom no interview was conducted, since they knew too little on the subject. Interviews lasted from half an hour to two hours; the common questionnaire for all the countries participating in the research project was used. The interviewers did not have many difficulties in conducting the interviews; the experts who had information on the subject mostly agreed to share it.

During May and June, 12 semi-structured interviews were also conducted with 15 to 17 year-old Estonian and Russian girls from problem backgrounds. Interviews were done with those girls who claimed to know about trafficking and sexual exploitation cases from among their acquaintances. For those interviews, a separate questionnaire was prepared. All the interviews were recorded. The conversations with the girls lasted from a quarter to half an hour.

All taped interviews have been transcribed. The researchers involved were Aire Trummal, Reet Nurmi, and from the Tartu Children’s Support Centre (the partner organisation of ECPAT International in Estonia) Malle Roomeldi, Kristel Altosaar

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4 For the list of institutions the interviewed persons represent see Annex 2.
5 The girls were located through an institution that works with such young people.
and Lemme Haldre. The analysis of the material collected was mostly done in August, and the report was finalised at the end of October 2003.

In addition to the interviews, other relevant materials have been used in writing the following report. The report provides information on the Estonian legislation connected with trafficking, describes the nature of trafficking in minors, and presents the problems and needs that were identified by the experts interviewed.

3. LEGISLATION

The Penal Code and victim protection

In Estonia the age of criminal responsibility is 14 years of age. The Penal Code\(^6\) came into operation on 1\(^{st}\) of September 2002 (Parliament law No 95, RT\(^7\) I 2001, 61, 364, passed 06 June 2001). It deals with the issues of trafficking in persons, sexual exploitation and abuse in the following paragraphs:

Chapter 9 – Offences against the Person

§ 133 – Enslavement

(1) Placing a human being, through violence or deceit, in a situation where he or she is forced to work or perform other duties against his or her will for the benefit of another person, or keeping a person in such situation, is punishable by 1 to 5 years’ imprisonment.

(2) The same act, if committed: 1) against two or more persons, or 2) against a person of less than 18 years of age, is punishable by 3 to 12 years’ imprisonment.

§ 134 – Abduction

(1) Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reason, and where he or she lacks legal protection against such treatment and is unable to leave the state, is punishable by a fine or up to 5 years’ imprisonment.

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\(^6\) The Penal Code enacts the principle of territoriality and universality.

\(^7\) RT stands for the State Gazette (Riigi Teataja).
(2) The same act, if committed: 1) against two or more persons, or 2) against a person of less than 18 years of age, is punishable by 2 to 10 years’ imprisonment.

§ 141 – Rape

(1) Sexual intercourse with a person without their consent by using force or by taking advantage of a situation in which the person is unable to resist or understand the situation is punishable by 1 to 5 years’ imprisonment.

(2) The same act, if: 1) committed against a person of less than 18 years of age; 2) committed by two or more persons; 3) serious damage is thereby caused to the health of the victim; 4) it causes the death of the victim; 5) it leads the victim to suicide or a suicide attempt, or 6) committed by a person who has previously committed rape, is punishable by 6 to 15 years’ imprisonment.

§ 142 – Satisfaction of sexual desire by the use of violence

(1) Involving a person against his or her will in the satisfaction of sexual desire in a manner other than sexual intercourse by using force or taking advantage of a situation in which the person is incapable of resisting or understanding the situation is punishable by up to 3 years’ imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by up to 5 years’ imprisonment.

§ 143 – Compelling a person to engage in sexual intercourse

(1) Sexual intercourse with a person against his or her will by taking advantage of the dependency of the victim on the offender, but without using force, or not amounting to a situation where the person was not capable of resisting or understanding the situation as provided for in § 141 of this Code, is punishable by up to 3 years’ imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by up to 5 years’ imprisonment.

§ 145 – Sexual intercourse with a child

An adult person who engages in sexual intercourse with a person of less than 14 years of age shall be punished by up to 3 years’ imprisonment.

§ 146 – Satisfaction of sexual desire with a child

An adult person who involves a person of less than 14 years of age in satisfaction of their sexual desire in a manner other than sexual intercourse shall be punished by up to 2 years’ imprisonment.
Chapter 11 - Offences against the Family and Minors

§ 173 – Sale or purchase of children

(1) The sale or purchase of children is punishable by 1 to 5 years’ imprisonment.
(2) The same act, if committed by a legal person, is punishable by a fine.

§ 175 – Inducing minors to engage in prostitution

A person who, by inducement, threat or any other act, influences a person of less than 18 years of age to commence or continue in prostitution, but the act does not have the necessary elements to constitute an offence as provided for in § 133 or 143 of this Code, shall be punished by a fine or up to 3 years’ imprisonment.

§ 176 – Assisting prostitution involving minors

(1) Assisting the prostitution of a person under 18 years of age by mediation, provision of premises or in any other manner is punishable by a fine or up to 5 years’ imprisonment.
(2) The same act, if committed by a legal person, is punishable by a fine.
(3) For an offence provided for in this section, a court may impose a fine to the extent of the assets as a supplementary punishment pursuant to § 53 of this Code.

§ 177 – Use of minors in the manufacture of pornographic works

(1) Use of a person of less than 18 years of age as a model or actor in the manufacture of a pornographic or erotic picture, film or other work is punishable by a fine or up to one year’s imprisonment.
(2) The same act, if committed by a legal person, is punishable by a fine.

Chapter 16 – Offences Against Public Peace

§ 258 – Illegal crossing of the state border or temporary border of the Republic of Estonia

(1) Illegal crossing of the state border or temporary border of the Republic of Estonia, if committed: 1) in disregard of a stop signal or order given by a Border Guard official; 2) by a group; 3) by a means of transport in a location not intended for crossing; 4) and a penalty for a misdemeanour has been imposed on the offender for the same act, is punishable by a fine or up to one year of imprisonment.
(2) The same act, if committed: 1) by using violence, or 2) by causing serious
damage to health; is punishable by 4 to 12 years’ imprisonment.

§ 259 – Illegal transportation of aliens across a state border or temporary border of
the Republic of Estonia

(1) Illegal transportation of an alien across the state border or temporary border of
the Republic of Estonia is punishable by a fine or up to one year’s
imprisonment.

(2) The same act, if committed: 1) by a group, or 2) by using violence, is
punishable by a fine or up to 3 years’ imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious damage
to health is caused thereby, is punishable by 4 to 12 years’ imprisonment.

§ 260 – Stay of alien in Estonia without legal entitlement

An alien who stays in Estonia without a legal entitlement at least twice within
a year shall be punished by a fine or up to one year’s imprisonment.

§ 268 – Provision of opportunity to engage in unlawful activities, or pimping

(1) Pimping, or providing premises for the purposes of illegal consumption of
narcotic drugs or psychotropic substances, for illegal gambling, or for
prostitution, is punishable by a fine or up to 5 years’ imprisonment.

(2) For an offence provided for in this section, the court may impose a fine to the
extent of the assets as a supplementary punishment pursuant to § 53 of this
Code.

There is no term “trafficking in persons” in the Estonian Penal Code. It is possible to
prosecute for trafficking under the provisions on enslavement and abduction (§ 133,
134). Those paragraphs were added to the provisions of the former Penal Code which
was valid until September 2002. The first prosecution under the paragraph on
enslavement was filed in April 2003 (See the case of a Latvian girl in chapter 6).

There is no separate witness protection law in Estonia today, but new provisions are
currently being prepared. According to the Code of Criminal Procedure (ESSR
Supreme Council code No 01, ENSV ÚT\(^8\) 1961, 1, 4; passed 06 January 1961, entered into force 01 April 1961) it is possible to protect the anonymity of a victim or witness or persons close to him/her in order to ensure the security of such persons (§ 79-1). If the witness is younger than 14 years, a teacher or psychologist, and if necessary also the parents or legal representatives, shall participate in the investigation and questioning of the witness (§ 133, § 153-1, § 244). In four Estonian towns it is possible for an abused child to give evidence in rooms that are especially equipped with a video camera and recording equipment.

In Estonia there is no victim protection system in place yet, and therefore security is not guaranteed to the victims of human trafficking. In the year 2000, a cooperation agreement was signed between three Baltic States on the protection of victims and witnesses of crime, but the representatives of the law enforcement agencies interviewed for the purposes of this research considered the size of Estonia and the Baltic States too small to effectively hide a crime victim. According to the Estonian Human Development Report 2002, the Estonian justice system is mostly focussed on the defendant, on obtaining convictions and on the protection of his/her rights; there is a lack of attention to the needs of victims.\(^9\)

**Child Protection Act**

The Estonian Child Protection Act, which became law on 1\(^{st}\) of January 1993 (ESSR Supreme Council law No 1272, RT 1992, 28, 370, passed 08 June 1992), protects a minor from sexual abuse and exploitation according to the following provisions:

§ 14 – *Right of child to protection from economic, physical and emotional exploitation*

(1) The child shall be protected from economic exploitation and from performing work which is hazardous, beyond the child’s capabilities, harmful to the child’s development or may interfere with the child’s education.

(2) The child shall not be subjected to physical or emotional exploitation.

§ 33 – *Protection from sexual abuse*

The child shall be protected from all forms of sexual exploitation; the following is prohibited for adults: 1) inducement of a child to engage in sexual

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\(^8\) ENSV ÚT stands for the State Gazette of the Soviet Union.

\(^9\) Vetik 2003: 69
activity; 2) exploitative use of children in prostitution; 3) exploitative use of children for pornographic purposes.

§ 50 – Child and obscenity
(2) It is prohibited to use children in the production and distribution of obscene materials.
The Child Protection Act has not yet been brought into operation by enabling legislation.

Crossing the State Border
Estonian citizens have a right to visa-free entrance to 40 states, including the European Union and Schengen countries. On crossing the state border, an Estonian under 15 years of age does not need to hold a travel document or an entry permit if his/her personal data are entered in the travel document held by his/her parent who is accompanying the person upon arrival in Estonia or on departure from Estonia. An alien under 15 years of age does not need to hold a travel document if he/she enters Estonia, stays in Estonia or departs from Estonia accompanied by a person in whose travel document the alien’s personal data are entered. When a minor travels without a parent, he/she needs to hold his/her own travel document. Under Estonian legislation no additional documents (warrants) are needed for crossing the state border.

The Obligation to Leave and Prohibition on Entry Act, which came into force on 1st of April 1999, provides that a deportation order shall be issued to an alien who remains in Estonia without permission. He/she shall be expelled from Estonia upon expiry of the term for compulsory execution of the order. An alien who entered Estonia illegally may be expelled without issuing an order and without obtaining the permission of an administrative court. The expulsion shall not be carried out if such expulsion may result in the alien’s torture, inhuman or degrading punishment or treatment, or death or persecution (§ 7, § 14). On expulsion of minors, the act contains the following provisions:

11 Information from the homepage of the Border Guard http://www.pv.ee/kasulik/piiriuletus.html
§ 12 – *Issue of order to minors*

(1) If an alien to whom an order is issued is accompanied in Estonia by his or her minor alien child or alien ward (hereinafter minor) and if the minor does not have a right to stay in Estonia, an obligation to comply with the order with respect to the minor shall be imposed by the same order on the parent, guardian or other person responsible for the minor (hereinafter parent).

(2) Where an order is issued to a minor staying in Estonia without a parent, compliance therewith shall be arranged by an authority exercising guardianship.

§ 21 – *Expulsion of minors*

The expulsion of a minor shall be organised in co-ordination with the competent state agencies of the admitting country and, if necessary, of the transit country and protection of the rights of the minor shall be assured.

A prohibition on entry may be also applied with regard to an alien if there is a good reason to believe that he/she belongs to a criminal organisation, or is connected with the illegal transport of narcotics, psychotropic substances or persons across the border. Prohibition on entry shall not apply to an alien who is under 13 years of age (§ 29, § 30).

Experts interviewed in the framework of the research had several observations and opinions about the legislation regulating human trafficking:

− The sentences connected with sexual exploitation and human trafficking are too low.

− The main problem is not the adequacy of the existing legislation, but the practical enforcement of the law, since crimes connected with trafficking in persons are very difficult to prove. When the law enforcement experience is minimal, it is also hard to identify its weak points.

− Today the legislation does not comply with the international norms, which becomes particularly relevant after the ratification of the UN CATOC’s supplementary protocol on trafficking. As a result of the Protocol, there is a need to translate the concept of trafficking in persons into law.
− Experts stated that there is an urgent need for a witness protection law (which is currently being prepared) and for the implementation of a witness protection programme.

− The criminalisation of the purchase of sexual services, following the example of Sweden, was mentioned several times as a desirable future development.
4. NATURE OF THE PROBLEM

Defining trafficking
Several of the experts interviewed use the definition in the supplementary protocol to the UN CATOC as a basis for their work. Those who defined trafficking in persons themselves referred to deceiving by lying about working conditions, forcing into unwanted activities, or other factors affecting a person (including the social environment), and the selling of a human being from one person to another. Representatives of law enforcement agencies mainly work on the basis of what is stated in the law (where the concept of trafficking is not specific). The representative of an organisation involved in prevention stated that they introduce different concepts of trafficking in their work.

Minors at risk
The groups of minors vulnerable to recruitment by traffickers were defined differently according to whether the discussion was about trafficking inside the country or out of the country. In the case of internal trafficking, minors living in poor economic conditions and from regions with serious social problems, especially from the north-eastern part of Estonia, are seen as a primary risk group. Important contributing factors are also family relations. Most vulnerable are the minors whose parents are alcoholics and use violence, and where there is a lack of close relationships and supervision in the family. Children living in such conditions can more easily start using drugs, drop out of school, and go to bigger towns to look for adventure and new opportunities.

When talking about cross-border trafficking, the vulnerable group is seen to be wider. On the one hand, those minors who cannot find a job in their home regions, or have difficult family relations etc. start to look for opportunities abroad. This relates to the wider social background. On the other hand, some minors are mainly looking for excitement and new experiences which they think other countries can offer, and at the same time they have an idealized understanding of life and working conditions abroad. Therefore, all young people who do not know what to expect when going to work abroad, or how to migrate legally and correctly, are a potential risk group for trafficking. Several experts who are involved in prevention work, and have talked to
minors about trafficking issues, mentioned that young people do not know the procedures necessary for going to work abroad and do not realise the risks they run. Because of that, they also do not realize that they need additional information.

**Estonia as a country of origin**

Today there is no answer to the question how many minors are trafficked from Estonia to other countries for the purposes of sexual exploitation. The only figure which estimates the number of those trafficked is the one given by IOM. According to that estimate, about 500 women and girls of Estonian origin become victims of trafficking every year. Of 158 prostituted women questioned in 2002 who used the services of an NGO, 31% had been involved in the sex industry abroad. A public opinion research carried out by IOM in 2001 shows that approximately a tenth of the respondents knew about trafficking cases involving someone they knew. Despite the fact that the proportion of minors trafficked abroad is not known, not one of the experts interviewed stated that trafficking in minors for purposes of sexual exploitation should not be recognised as a problem.

When talking about trafficking in persons to other countries, experts knew more about cases related to adult women. However, there was also some information about minors. Two girls who were interviewed knew of cases where a minor had been trafficked outside Estonia, and several had acquaintances who were a bit older than 18 years of age and who had been involved in the sex industry abroad. As a result of the interviews, information was gathered on seven cases involving minors (some of the accounts affected several minors). Those cases involved girls from the ages of 14 to 17. Minor boys were not mentioned. Finland, Sweden, Spain and Italy were named as receiving countries when talking about minors. In cases where adult women were involved, Germany, Netherlands, Norway, Denmark, Japan and Egypt were also mentioned. The list gets even longer when looking at the data from other research. Experts stated that it is mostly the Scandinavian countries that are receiving countries for trafficked persons from Estonia.

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13 Uusmaa, Uusen 2002
14 See Kalikov 2003b
15 IOM 2002
16 See for example NCM, EIOSR, EMSA 2002; USD DS 2002
Recruitment into the sex industry is similar for both adults and minors. Those who get trafficked mostly go to other countries following job opportunities appearing in advertisements or told to them by an acquaintance. Notices about jobs are generally found in the advertisement newspapers, but the role of the Internet is also increasing. The advertisements invite applications for work abroad as dancers, waitresses, service attendants etc. They may simply offer a profitable job abroad. According to the survey carried out in 2002 persuasive persons with good communication and presentation skills work on telephone lines offering women work in the sex industry.\(^\text{17}\)

In the case of younger women and girls, the method of creating a relationship or false friendship is used. During the interviews information was gathered about three cases (one of them involved a 19 year old girl) were a girl fell in love with a man, who then invited her to go with him to a foreign country, where the girl was forced into prostitution or sold for that purpose.\(^\text{18}\) It may also happen that a person who is trafficked knows in principle that the job abroad involves striptease or prostitution, but does not know the real conditions of the work. Some of the persons interviewed talked about the transportation of women from Estonia to Finland where women travel from one port to another with a recruiter, or alone, and the other organiser meets them at the Finnish side. The strong representation of Estonian criminals in the Finnish sex industry has been commented on in Finnish and Estonian newspapers.\(^\text{19}\)

A case concerning adult women was mentioned by a representative of the Board of Border Guards where a network of traffickers between Estonia and Germany was broken up following cooperation with German officials. In general not much more information was available on trafficking networks and there was no separate information on those trafficking in minors.

According to the representatives of law enforcement agencies, when talking about trafficking in persons in general, departures from Estonia mostly take place legally and with the person’s own documents. Information about trafficking reaches Estonian officials when a trafficked person arrives back in Estonia with an entry permit. Forged documents are more common in cases where a person lives in Estonia but

\(^{17}\) NCM, EIOSR, EMSA 2002
\(^{18}\) In one case, trafficking of a girl was prevented just before she left the country.
\(^{19}\) See for example Lahtenmägi 2002, Vahter 2002, EPL 2002
does not have Estonian citizenship, since citizens have a right to visa-free entrance to Western European countries. No cases of cross-border trafficking of minors are known to the border guards, according to the person who was interviewed from that service.

What happens in the foreign destination country follows a common pattern. The documents and money of the girl are taken away. Trafficked victims are taken to a brothel or an apartment, where they are kept under lock or under close supervision. Then they are faced with a demand for the cost of covering their travelling expenses, which can be paid back to the procurers by prostituting. When a person goes to another country as a striptease dancer she will be put under pressure to have sex with clients as well.

No cases are known in Estonia where trafficking of a child took place through adoption. The representative of the Ministry of Social Affairs stated that this is anyway unlikely, since adoption is arranged through the courts. During the research no concrete cases were identified involving false marriages.20

**Estonia as a transit and receiving country**

Different assessments are given about Estonia as a transit country for trafficking in persons. Some experts believe that Estonia cannot be considered a transit country, since it is not necessary to travel through Estonia, where the border guards are technically more advanced than in several of the post-soviet countries, to go from Eastern Europe to the West. At the same time, some experts say the opposite, since Estonia has good shipping connections with Finland and Sweden. Other published analyses confirm the view that on a small scale Estonia is also a transit country from Eastern Europe to Western countries.21 No cases involving minors were identified during the research.

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20 Half of the interviewed experts found it also important to mention that trafficking in a wider sense than sexual exploitation is a seriously unacknowledged problem. When for example the working conditions of those working in agriculture are not in accordance with the promises made, or when construction workers are paid less than what was agreed, etc.

21 See for example JHU SAIS 2003
Estonia is seen more as a receiving country, since the economic situation in Estonia is better than that in several Eastern European countries. Only one case emerged from the interviews about trafficking in minors from other states to Estonia. It was a case about a Latvian girl, which was also reported in the press (See chapter 6). When talking about adults, then the Ukraine, Belarus and Russia were also mentioned as countries of origin of those trafficked to Estonia. A questionnaire conducted from 1996 to 1999, as part of project work among those involved in prostitution, revealed that from 382 women questioned, 2% came from other countries. No minors were found among those women.22

Internal trafficking
Some attempts have been made to estimate the number of women involved in brothel prostitution in Estonia through the number of brothels and brothel-apartments in the capital. For example it has been estimated that there are about 50-70 brothels and special apartments for prostitution in Tallinn, with 5-20 women involved in each one, and additionally there are some brothels outside the capital.23 From the police workers questioned last year, almost half thought that there are more than one thousand prostituted women in Tallinn.24 According to expert opinion, the number of those prostituted and the ratio of minors among them has decreased compared to the mid-1990s. When comparing different data sources available, the number of minors among those prostituted inside Estonia probably exceeds ten percent.25 It has also been stated in the interviews that there are some places which procure only minors.26 In addition to brothel prostitution, street children are also sexually exploited and prostitution often follows drug addiction.

Interviewed experts knew much more about the involvement of minors in the local sex industry. According to the material gathered, girls from the ages of 13 and 14 are prostituted in brothels and apartments, but most of them are 15 to 17 years of age. There was no data on minor boys in brothels. The case is different when talking

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22 See Kalikov 2003a
23 Kalikov 2003a
24 Pettai, Kase 2002
25 See Kalikov 2003a; Kalikov 2003b; Pettai, Kase 2002
26 See also Trummal 2001
about sexual exploitation of street children among whom minor boys are also found. Mostly it is not organised trafficking involved, but there are some known cases where an older prostituted boy started to act as a kind of procurer of younger boys by putting them in contact with sexual abusers.  

Most of the twelve girls interviewed had acquaintances who were or had been involved in prostitution as minors. Minors may have come to the brothels from the same town or from other regions of Estonia. The movement between different regions is mostly from the areas with high unemployment (such as the northeast of Estonia) to the capital, but is also to some other big towns, like Tartu.

With regard to internal trafficking, minors also get involved in the sex business through newspaper advertisements, acquaintances already in prostitution or new acquaintances. There are cases where a minor was recruited by getting acquainted with a brothel keeper. There are also special recruiters, mostly young men, involved with brothels. Their assignment is to lure new girls and bring them to the brothel. Such a job had also been offered to one interviewed girl whose acquaintance’s parents were brothel keepers; a payment of several thousand Estonian kroons was promised if she would bring a girl to the brothel. There were two cases where a young man first created a sexual relationship with a girl and then sold or gave her to the brothel (one of the girls was over 17).

In addition to force and luring by a procurer or recruiter, the coercions include influencing a person through drug addiction, poor economic conditions, and violence within the family. As a result, a person can be in financial need and be seeking ways to escape from their present environment. In relation to the increasing spread of drug addiction among young girls, one expert mentioned a trafficking method whereby a drug dealer would sell a girl, who owed him a lot of money, to a brothel.

Also in the case of trafficking within the country, one of the methods used to coerce victims is to take away their identity documents. Threats of physical violence and of telling the family are used to keep the victims from running away. Minors are kept

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27 See Trummal 2001
locked up, or let out only under strict supervision. In one case, earnings were not
given to the girls right away, but paid in instalments to increase their dependence on
the procurers. In cases where the rules were not obeyed (refusing to serve a client,
running away, etc) a fine, which could amount to tens of thousands of Estonian
kroons, could be imposed as a sanction. In some brothels, the prostituted victims also
have to pay for their accommodation.

According to the data gathered, men as well as women from different age groups
(from twenties to middle aged) can be found among local traffickers and procurers.
Women procurers have often been previously prostituted themselves. Those who
traffic in persons are often also involved with drug trafficking. Those who are
prostituted can be sent from local brothels to the sex industry abroad.

Services are either offered in the brothel, or the women are brought to the clients. The
latter method would be used, for example, in the case of apartment-based businesses,
where several minors or adults live together in a small area. Clients find the
information about the locations in newspaper advertisements, on the Internet, from
taxi drivers. Sex tourists can easily find information about the local situation before
arriving in the country. The services of minors are not advertised; sex services are not
even explicitly mentioned. The advertisements offer services such as saunas, massage
parlours, striptease, bars, accommodation. According to the data gathered, the picture
of the clients is heterogeneous. On the one hand, there are lots of sex tourists among
brothel visitors; Finns get mentioned most often. On the other hand, there are also
local Estonian and Russian men as clients; men of Caucasian origin were mentioned
during the interviews. Many visitors come from parties; they are drunk or have used
drugs. These kind of men also use more violence on those prostituted. There are
more clients, and more foreigners among them, during the summer months.

The money that clients pay and prostituted minors receive can vary a lot. According
to the information received, on average the service costs 300-500 kroons (EUR19-32).
In elite brothels the sum is at least double. The amount varies according to the service
offered and the time spent. Bigger sums are asked from tourists. Those prostituted
get about a fifth to a half of the amount. The remainder gets divided, according to the
system used, between the other links in the business chain: the brothel owner, the
dispatcher, the driver (when a girl is driven to the client), the taxi driver (when a client is driven to the brothel). Minors use alcohol and drugs to help them to do the work, and some places are known to pay some of the earnings in narcotics.

5. PROBLEMS AND NEEDS

Cooperation and expanding activities
In general, interest in the problem of trafficking in persons has risen in the non-profit sector as well as at state level. At the same time several persons interviewed stated that at state level the recent interest is a result of international pressure. Therefore most of the action taken is limited to meetings and seminars which have not yet led to the implementation of concrete measures.

Today the work in the non-profit sector in Estonia is project based. As a result, it is difficult to sustain continuity in the work against trafficking. At the same time, since non-profit organisations work at grassroots’ level, they have an important role in contacting victims of trafficking and monitoring changes in the nature of the problem.

Experts interviewed in the course of the research pointed out that since there are only a few known examples of trafficking in persons, there is not enough knowledge on how to deal with the reality of concrete cases. Networks have not yet been formed between different organisations and institutions, so working with cases and assisting the victims is going on more at the level of personal contacts. There is a lack of shared understanding on who has what kinds of responsibility and assignments. Therefore experts felt it was important to develop networks between different actors, so that the work with individual cases could be systematic and understandable to everyone involved. For capacity building, systematic training is needed for different professionals (educational, social, and medical workers, representatives of law enforcement agencies), as well as familiarisation visits to other countries which have more experience on the issue. The aim should be to create a situation where the
representatives of different professions would be able to identify cases of trafficking in persons, and to deal with them adequately within their own sphere of activity.

According to the persons interviewed, willingness to cooperate has increased in Estonia. Where there was previously a lot of blame and criticism between those at different levels of responsibility, today organisations and institutions seek constructive partnerships. It was pointed out that good communication and information sharing can be found between NGOs, which is related to the fact that there are only a few organisations working on trafficking issues. At the same time, it was said that information and problem-solving do not move vertically between different levels, and that there is a lack of coordination in dealing with the subject. As a result, in addition to the creation of networks dealing with concrete cases, there is a need for building cooperation between different levels to create a wide based forum.

The need to create a state level programme, or some other coordination mechanism for working in the field was stressed many times. This kind of approach would determine the responsibilities and obligations of the different institutions in dealing with the problem of trafficking in persons. Today there is no clear standpoint or shared vision at state level on which direction to take. At the same time, there is a need to start to implement the obligations undertaken in the various international conventions and agreements to which Estonia is committed. To change the situation, it was found important to raise the issue concretely at the level of Government and the relevant ministries, since currently the lack of high-level political response is evident. This step must be preceded by in-depth research that could provide an overview of the extent of the problem of trafficking for the purposes of sexual exploitation. The leading role in dealing with the issue of trafficking in persons was primarily seen to be that of the Ministry of Internal and Social Affairs, as well as of the Ministries of Education, Justice, and Foreign Affairs.

**Detecting and investigating cases**

A lot of reference was made in the course of the interviews to the difficulties in proving cases of trafficking and of the use of minors in the sex industry. In relation to procuring inside the country, brothels in Estonia often operate under the cover of licensed hotels or saunas. In the case of transnational trafficking in persons to other
countries, the border crossings are thought to be mostly legal, which makes it hard to find concrete cases. Additionally, representatives of police forces pointed out that very little attention is given to the problem of trafficking in persons by the Estonian police today, and combating this crime is not one of their priorities. In the situation where the police forces do not have enough personnel to deal with their workload, attention will primarily be given to the areas that are considered priorities. Among those, combating drug trafficking is the major issue.

Interviewees also mentioned that trafficking cases do not come to light because, in most cases, victims do not speak about their experiences. This is partly due to pressure and threats from the exploiters, but it is also connected to the fear victims have of public condemnation. Therefore a victim of trafficking does not look for help, and does not want to give statements to the police. In today’s situation, safety and understanding is not guaranteed to the victim. Also there is not enough information available yet on where a victim of trafficking can turn for help.

In connection with police work, the need for prioritising the issue of trafficking in persons was stressed, together with the need for a special police unit for combating crimes of trafficking and procuring prostitution. Such service should be accompanied by specialised training and by increasing the professionalism of investigations. It was mentioned that representatives of the police forces have already participated in some training on the issue, but again, the main focus is on drug trafficking.

Representatives of the police added that for successful operations it is necessary to share more information between different countries. Often the information about a case involving Estonian citizens found in another country will be available only when the other country applies to Estonia for legal assistance. Furthermore, information about the expulsion of Estonians from other countries does not reach Estonian officials.

28 At the end of the 1990s, a unit specializing in combating prostitution was set up in the Police Prefecture of Tallinn.
A situation should be achieved whereby people themselves are more active in passing on information about cases of trafficking and sexual exploitation; too often people are constrained by their reluctance to intrude on the problems of others in their neighbourhoods.

**Victim assistance**

A victim assistance system has been created for the victims of crime, which is coordinated by the Ministry of Social Affairs. The service includes the offering of support and information to victims, and help in court during criminal proceedings. In Tallinn and Tartu there are special support centres for children which offer a psychological service, but these services for minor victims are mostly available in the bigger towns. Interviewees pointed out that the support services in place are not specific to victims of trafficking. There is a need for support personnel who are specialised on the problem of trafficking and sexual exploitation, and for a separate centre where victims of trafficking could get special support. It was also pointed out that the victim assistance available is primarily crisis intervention. There is a need for long-term psychological support and a rehabilitation system for victims. From the perspective of child protection, the need for the office of a Children’s Ombudsman was mentioned.

**Prevention**

According to the experts interviewed, the knowledge of minors about the procedures necessary before going abroad to work is very limited. Girls themselves are often ignorant about the problems they can face, and do not feel threatened. This is confirmed by the survey conducted in 2002 among schoolgirls in the framework of the Nordic-Baltic Campaign against Trafficking in Women.

It was stated as a matter of concern that today prevention work is done mostly by NGOs. A need for the concrete involvement of the Ministry of Education was stressed, since the school system concentrates first of all on teaching facts, and the passing on of important life skills is not given adequate priority. Therefore young people do not have sufficient knowledge about the different social problems they can

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29 [http://www.ohvriabi.ee](http://www.ohvriabi.ee)
30 See Pajumets 2002
face, and on the need to protect themselves. It was also mentioned that parents should become more educated on the issues facing young people, since they have a primary role in teaching life skills to their children.

The need to continue with prevention campaigns was stressed in order to reach a wider public. That approach should also focus on the deconstruction of several stereotypes and prejudices.

**Public opinion**

Experts expressed concern that the media and the advertising business continuously popularise woman’s nudity and the selling of good looks. Sexuality and the human body are often presented as commodities, which encourages public tolerance towards prostitution. But to effectively combat the problem of trafficking and sexual exploitation, negative attitudes towards the buying and selling of the human body are needed. In addition, widespread disapproval of prostituted and trafficked women is noticed. According to several experts, there is a lack of tolerance towards the victims of sexual exploitation. At the same time, there were several persons among the experts interviewed (mostly representatives of law enforcement agencies) who were of the opinion that many women become involved in the sex business voluntarily and consciously.

Another element in Estonian society sees the problem of trafficking as a male power issue. This anti-male approach has created a situation where the problems of trafficking and prostitution are largely seen as women’s business, and it is mostly women who display interest in these issues.

While the attitude towards adults involved in prostitution can also be “adult women should do what they want”, in the case of minors a real problem is clearly seen and people feel sorry for the victims. However, there is a failure to realize that as far as the criminal organization of trafficking is concerned, minors and adults are both victims of the same system. Therefore experts felt it was important to collect and disseminate information on how sexual exploitation and trafficking affects a person both physically and psychologically. They also stated that information about what selling and buying of a human body means should be contextualised in the framework
of human rights. It was mentioned that today the discussion on human rights is very strange in Estonia and that many people do not know their basic rights.

**Vision for the future**

On the issue of how the problem of trafficking and dealing with it can change in the near future, experts pointed out:

- When Estonia joins the European Union in 2004 the country will become more desirable as a destination country. The number of trafficked persons coming from Eastern Europe to Estonia will increase.
- When Finland criminalizes the purchasing of sexual services, following the example of Sweden, the amount of sex tourists to Estonia will seriously increase.
- Working on the issues of trafficking in persons will become very popular. The number of NGOs involved in prevention work will increase. A related risk will be that society will become hardened to the issue from over-exposure.
- The international pressure on Estonia to deal with the issue of trafficking in persons will increase. Cooperation and information sharing on different levels will develop.

6. CASES

**Trafficking outside Estonia**

In December 2002 the Swedish police arrested a woman (a Finnish citizen) who during the previous two years had trafficked 36 women, most of them from Estonia, to her four brothel-apartments in Stockholm. She found Estonian women through the Internet, newspaper advertisements and acquaintances in Estonia. The advertisements offered jobs involved with escort services, striptease, modelling and massage. With every woman, the procurer filled out a form where she also noted what kind of sex the woman was prepared to provide. She photographed women for an Internet ‘album’ where over 400 pictures could be found. The procurer had more than 500 clients on her books. Two of the trafficked persons were minors; one of them was a 17-year-old Estonian who answered the newspaper ad with another girl. The two girls met the
trafficker in Tallinn. The woman told them that the job involved keeping company with clients, and that the girls could decide for themselves if sex would also be involved. A week later, they all went together to Sweden. The apartment, where the girls stayed and worked, was always locked. When a client arrived, the procurer opened the door by remote control. During their two weeks stay in Sweden, the girls were only once let out of the apartment. They had to be available for clients from 9 a.m. to 12 p.m. Between three and five 25 to 65-year-old clients visited the apartment every day. The service cost about 1,100 Swedish kroner, of which 70% went to the procurer. The 52-year-old woman was prosecuted and charged with pimping, unlawful deprivation of personal liberty, and trafficking. She was convicted of pimping and given a sentence of 4 years’ imprisonment.31

**Trafficking to Estonia**

A minor Latvian girl found herself in Estonia after some men she did not know had taken her away from a party. She had been drunk and woke up in a brothel in Tallinn. In August 2001 after changing “owners” several times the girl remained in one brothel in the north of Tallinn where three men and a woman forced her and a Russian girl from Tallinn, who was a year older, to prostitute themselves. The 16-year-old Latvian was kept in that brothel for a year. In summer 2002 both girls were sold to a brothel situated in a village in Tartu County. The keeper of this brothel, a 43-year-old woman, had already spent a year and a half in prison for pimping. Three men were also involved. Clients paid 300-400 kroons (EUR19-26) for the service; the girls got 50 kroons (EUR 3) from that sum. The girls managed to escape a few times, but were soon found. They were kept in the brothel until March 2003 when they managed to turn to the police. In April 2003 four persons from Tallinn and four from the village in Tartu County were charged with enslavement and luring minors to engage in prostitution.32

**Trafficking inside Estonia**

The procuring of two 15-year-old minors was identified in a brothel in Tartu. The girls and women prostituted in this brothel were from West-Viru and East-Viru

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31 Data source: Kaupmees 2003
32 Data source: Palta 2003; Väljaots 2003
County, Tallinn, and from Tartu itself. They arrived at the brothel through newspaper ads or acquaintances. They had difficult family backgrounds – poverty, unemployment and alcoholism of the parents. The parents knew that their children worked in bars. Some of the girls sent money to their parents. The prostituted girls and women lived in a three-roomed apartment, three persons in one room. The men supervising them lived in the same place. When the girls managed to get to the town centre by themselves they were punished by being kept in a dark room for several days. The prostituted girls were taken to the clients by car. The service cost about 300 kroons (EUR 19). Half of it went to the procurer, 50 (EUR 3) to the driver and 100 (EUR 6) to the girls themselves. Sums varied according to the clients, the time spent and the service provided. The money earned was not given to the girls right away; it was kept by the brothel owner and paid in instalments. When girls did not follow the rules of the brothel owner and refused to have sex (during menstruation for example) a fine had to be paid. The procurers were locals.

7. CONCLUSIONS

In general it is possible to say that trafficking in persons for the purposes of sexual exploitation exists within Estonia as well by crossing its borders. To a lesser extent Estonia can also be seen as a destination and a transit country. Cases involving minors were revealed in the course of the research when talking about the sex industry inside Estonia, trafficking out of Estonia (7 cases), and there was one case of trafficking a person into the country. There is no concrete data on the number of minors trafficked. During the research no cases involving trafficked minor boys were revealed; the problem related to girls starting from 13-14 years of age. In general, recruiting and keeping minors in the organised sex industry follows the same pattern for minors as it does for adults.

According to the issues brought up by the experts interviewed, the following would need to be discussed and addressed in the near future:

33 Data source: expert interview
Legislation:
- Incorporating the term “trafficking” into the legislation. Making trafficking a specific offence in the Penal Code.
- Increasing the sentences for crimes of trafficking, sexual exploitation and abuse.
- Criminalizing the purchase of sexual services.

Cooperation, competence and coordination:
- Developing a state level programme or other kind of mechanism for preventing and combating trafficking and supporting victims which would specify the responsibilities and duties of the different institutions and organisations.
- Providing systematic training for specialists in the different areas of activity in order to create a situation where cases of sexual exploitation are recognised and dealt with.
- Developing a cooperative network between specialists in different areas of activity for more effective working on concrete cases of trafficking.
- Developing a form of cooperation for the exchange of information, and the sharing of problems and suggestions between different levels and sectors.
- Raising the issue of trafficking at the level of the Government and encouraging the involvement of relevant ministries.
- Conducting research to estimate the number of those trafficked for the purposes of sexual exploitation and the proportion of minors among them.

Detecting and investigating cases:
- Making the combating of trafficking in persons one of the priorities for the police and creating a separate police unit.
- Guaranteeing the safety of the victims of trafficking and developing witness protection programmes.
- Increasing the information flow between institutions of different countries involved in combating trafficking in persons.
- Increasing the reporting by the public about cases of sexual exploitation and abuse.

Victim assistance:
- Making a specific victim support service available to trafficked victims.
- Creating a separate centre to support the victims of trafficking and sexual exploitation.
– Developing a rehabilitation system for victims.

Prevention:
– Extending prevention work in the youth sector – in addition to the non-profit sector and directly involving the Ministry of Education.
– Educating parents on the issue.
– Continuing with prevention campaigns for increasing awareness and forming public opinion.
– Promoting discussion on human rights.
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ANNEX 1: Police statistics

Crimes registered and detected from 1\textsuperscript{st} of September 2002 (date when the Criminal Code entered into force) to 30\textsuperscript{th} of June 2003

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Data source: Police Board

\textsuperscript{34} See the descriptions of the paragraphs from chapter 3.
ANNEX 2: List of the institutions that the interviewed experts represent

1. Ministry of Social Affairs (2 representatives interviewed)
2. Ministry of Justice
3. Police Board (2 representatives interviewed)
4. Central Criminal Police
5. Tallinn Police Prefecture (2 representatives interviewed)
6. Tartu Police Prefecture
7. Tartu Public Prosecutor’s Office
8. Board of Border Guards
9. Citizenship and Migration Board
10. Tartu County Government
11. National Institute for Health Development
12. Embassy of Finland, Tallinn
13. Embassy of Estonia, Helsinki
14. Nordic Council of Ministries, Nordic-Baltic Campaign Against Trafficking in Women
15. International Organisation for Migration, Office of Tallinn
16. NGO Living for Tomorrow
17. Legal Information Centre for Human Rights
18. Estonian Institute of Human Rights