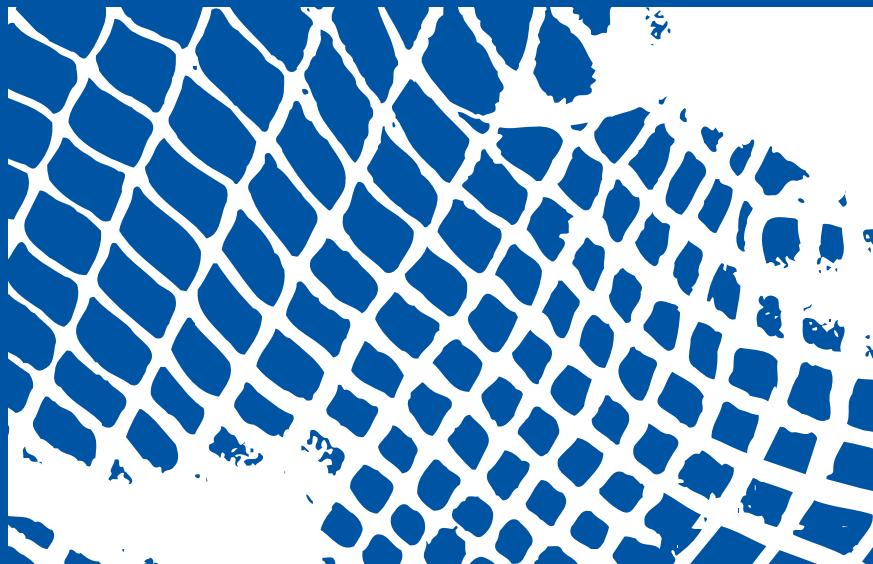


# TRAFFICKING IN HUMAN BEINGS FOR SEXUAL EXPLOITATION



AN ANALYSIS OF THE SITUATION IN ESTONIA



# **Trafficking in Human Beings for Sexual Exploitation**

**An Analysis of the Situation in Estonia**

The opinions and analyses expressed in this report do not necessarily reflect the views and official policies of the International Organization for Migration or its Member States. The report is an independent publication commissioned by IOM. It is the product of a collaborative effort by a research team of contributing authors, translators and editors under the supervision of IOM Tallinn, Estonia.

Publisher: International Organization for Migration  
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Internet: <http://www.iom.int>

ISBN Number: ISBN 978 92 9068 271 4

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This project was carried out in 2004. The following persons participated in the project: Jüri Saar (project leader): Introduction and Chapters 1, 2, and 3; Judith Strömpl and Anna Markina: Chapter 4; Aet Annist: Chapter 5. Leeni Hanson, Niina Derman and Uno Saar were engaged in the collection of material. The public survey was the responsibility of Turu-uuringute AS (Market Research LTD). The text was translated from Estonian into English by Ants Pihlak and edited by Nina Meigs.

## ***Acknowledgments***

This research was made possible through the generous funding of the US Embassy in Tallinn and administered through a project run by the International Organization for Migration (IOM). The research team would like to express their gratitude to the Estonian Science Foundation for their support of studies on organized crime in Estonia. Our special thanks are due to Ms. Elina Niedre, Head of the IOM Office in Tallinn, for her support and encouragement. We are also thankful to the IOM staff in Helsinki for their careful editing of this report.

## Authors

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## ***Foreword***

Trafficking in human beings, particularly women and children, has become a global phenomenon, generating huge profits for traffickers and organized crime syndicates, creating serious problems for the governments of countries involved, and exposing migrants to exploitation and violation of their fundamental human rights. Traffickers profit from non-existent or relatively lenient sanctions in many parts of the world, insufficient coordination, and little awareness on the part of the potential migrants regarding the dangers of being trafficked.

Trafficking of persons has evolved into one of the most tragic features of contemporary global migration, with as many as 2 million people estimated to be trafficked annually (US Department of State, 2004). Lured by promises of well-paying jobs elsewhere, many victims accept the services offered by traffickers without realizing the full nature of their future employment or the conditions in which they will work. Once firmly trapped within an irregular migration environment, they are deceived, coerced, or forced to provide sexual services and other forms of bonded labour in order to earn profits for their traffickers. Most often, victims of trafficking are prevented from escaping by security guards, violence or threats of violence, and/or by having their identity documents withheld.

Reliable numbers on victims of trafficking are difficult to obtain due to the clandestine nature of the phenomenon. Only a very small percentage of actual cases are known, with few victims ever receiving assistance. However, despite the limited information, the trend seems clear: the number of trafficked persons is increasing.

In spite of the rising awareness of trafficking in many parts of the world, the trafficking problem in Estonia remains largely undocumented. Although, there is evidence of the existence of the problem in Estonia, only a few non-governmental organizations (NGOs) offer solutions to problems related to trafficking in persons, focusing particularly women and children. There is also a lack of systematic coordination, information exchange, and common understanding of the specific nature of the phenomenon. Although several articles of the Estonian Penal Code can be used in connection with trafficking, Estonia has no specific law criminalizing the trade in

human beings, something which is needed urgently. Furthermore, Estonian law enforcement officials and border guards have had relatively little training regarding trafficking in human beings.

Recently, awareness of trafficking and willingness to combat it has increased at both the ministerial and civil society level. Government officials are in the process of drafting Estonia's first national plan of action against trafficking. Mindful of the insufficiency of available data, the government as well as the international community in Estonia recognize the need to obtain more comprehensive information in order to establish effective counter-trafficking policies.

The aim of this research, generously funded by the Embassy of the United States of America in Tallinn, is to construct a realistic picture of the scope of trafficking in Estonia, to identify gaps in knowledge and in counter measures, and to establish how these gaps could and should be filled.

IOM stands ready to further assist the Government of Estonia in its efforts to implement responses to trafficking, such as in the field of assistance to victims and the development and implementation of preventive measures to combat trafficking based on the needs and recommendations outlined in this report.

The production of this research report would not have been possible without the work of many dedicated people. I would like to express my gratitude to the members of the research team for their work, to those who collected information for the report, and also to IOM colleagues from the Baltic and Nordic region for their contributions.



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## ***Introduction***

The term "trafficking in human beings" has been used to address a wide range of crimes and human rights violations associated with the recruitment, movement, and sale of persons into "exploitative" or "slavery-like" conditions. People have been tricked or forced into a myriad of different forms of involuntary servitude, from begging to domestic service, from agricultural work to prostitution. Some migrate voluntary, seeking education or opportunities abroad, only to fall victim to false promises upon arrival. Others are taken and forced into exploitative situations within their own country. All face restricted freedom and abuse, whether physical, verbal, or psychological.

Trafficking in human beings is one of the fastest growing areas of transnational criminal activity. Generating billions of dollars annually, it is considered the third-largest source of profit for organized crime, preceded only by drugs and weapons (US Department of State, 2004). As a result of the alarming increase in trafficking in human beings, the international community, intergovernmental organizations, and non-governmental organizations (NGOs) have endeavoured to adopt measures and safeguards to combat this problem.

In 1999, the UN drafted a protocol to "Prevent, Suppress, and Punish Trafficking in Persons", especially women and children, in conjunction with the UN Convention Against Transnational Organized Crime. The UN General Assembly also adopted the Convention and the Protocol on Trafficking in November 2000 (UN General Assembly, 2000).

At the European level, the Organization for Security and Co-operation in Europe (OSCE) has made combating trafficking in persons within the OSCE area a high priority (OSCE, 2000). The European Union (EU) has put in place several legal instruments to curb trafficking.<sup>1</sup> The Tampere Extraordinary European Council (1999)

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<sup>1</sup> For example, the European Convention on Extradition (1957); the EU Convention on Mutual Legal Assistance on Criminal Matters between the Member States (2000); the Additional Protocol 2001.

acknowledged combating trade in people as one of the priorities of the EU.<sup>2</sup>

Estonia joined the EU in 2004, and has since agreed to join the Schengen border agreement in 2006/7. Experts consider this expected accession to the Schengen border agreement to be one of the most important steps towards combating irregular migration flows and other forms of cross-border crime, namely trafficking in human beings. The EU's developing migration policy may further impact trafficking in persons as it relates to Estonia.

The United States of America (US) has displayed intense interest in trafficking in persons, resulting in a number of federal documents and programmes. In 1998, the Clinton administration launched a government-wide anti-trafficking strategy of prevention, protection, and support for victims, and prosecution of traffickers. The Bush administration has continued to focus attention on trafficking problems. The Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2002 included at least US\$ 30 million to fight trafficking and assist victims. The next step was the enactment of the Trafficking Victims Protection Re-authorization Act of 2003, which amended the Trafficking Victims Protection Act of 2000 (US Department of State, 2004). The State Department issued its first annual global report on trafficking in July 2001, in which it categorized countries according to the efforts they were making to combat trafficking in persons. This report placed Estonia on the "Tier 2" watch-list in the summer 2004.<sup>3</sup> In other words, the US feels that Estonia "does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so" (US Department of State, 2004).

As with other newly established democracies, the problem of trafficking in human beings is relatively new in Estonia. Along with acknowledging this, it is important that measures be taken to understand its nature and scope before taking actions to prevent it. The problems Estonia faces in combating trafficking in persons include a lack of data on the overall volume of trafficked individuals, a concrete action plan,

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<sup>2</sup> Tampere European Council 15 and 16 October 1999: Presidency Conclusions, available at [http://www.europarl.eu.int/summits/tam\\_en.htm#c](http://www.europarl.eu.int/summits/tam_en.htm#c). The most important instruments of the European Commission are as follows: The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation (1997) and the Brussels Declaration (2002), available at [http://europa.eu.int/comm/justice\\_home/news/information\\_dossiers/conference\\_trafficking/documents/declaration\\_1709.pdf](http://europa.eu.int/comm/justice_home/news/information_dossiers/conference_trafficking/documents/declaration_1709.pdf)

<sup>3</sup> According to the 2005 report Estonia's rating is improved to the Tier 2 status (US Department of State, 2005).

and further research to qualify and quantify the extent of trafficking in persons in Estonia. The growing emphasis on evidence-based public policy increases the need for research that is thoughtful, rigorous, and strategic (Davies and Nutley et al., 2000). Without such treatment of the problem, two dangers could potentially emerge: the over-amplification of the phenomenon or a diminished view of its scope. Both approaches distort the actual situation and, to some extent, impede the capacity of the international community to achieve consensus and act decisively against trafficking in human beings. In addition, mistaken estimates can result in poorly focused, and therefore ineffective, counter-trafficking policies.

In order to fully analyse trafficking in human beings in Estonia, both global and local factors need be taken into account. This approach has been previously designated by the term "glocal" (Hobbs and Dunningham, 1998). The global factors that affect the evolution of trafficking in human beings as a phenomenon include, but are not limited to the rapid increase in the demand for sexual services, the widening income gap between developing and industrialized countries, the changes in the global labour market, and the sharp rise in international migration flows. Trafficking in Estonia has been related to several factors linked directly to the post-communist transition phase. These factors include the socio-economic stratification of the population, the commercialization of services previously excluded from the market, and the idealization of opportunities and living standards of Western countries. Only the analysis of impact of such factors on Estonian society can enable us to understand the nature and scope of the phenomenon of trafficking in persons in Estonia.

Another influential factor specific to Estonia is the ethnic composition of the country. Intensive immigration from different regions of the Soviet Union was part of policy during the Soviet regime. As a result of this, the proportion of ethnic Estonians decreased from almost 90 per cent of the population in the mid-1930s to nearly 60 per cent at the end of 1980s (Lieven, 1993: 432-434). Today, approximately two-thirds of the country's population is made up of ethnic Estonians, while a Russian-speaking minority accounts for one-third. It should be noted that a large proportion of the Russian-speaking minority in Estonia has a different political status relative to ethnic Estonians (Lauristin and Heidmets, 2002). The status of the Russian-speaking minority can be split into three sectors: (1) Russian speakers who acquired Estonian citizenship through naturalization; (2) Russian speakers who have maintained their

Russian Federation citizenship, and (3) Russian speakers of neither Estonian or Russian citizenship. It is not citizenship but rather ethnic background that is crucial in determining the minority status of a person. In this case, a person's native language usually serves as the main indicator. It should be noted that when Russian speakers are referred to in the text of this report, it refers to a member of the Russian-speaking minority in Estonia, regardless of their political status in Estonia.

In present-day Estonia, the Russian-speaking minority is distributed unevenly. The proportion of the Russian-speaking population is high (approximately 45%) in Tallinn, Estonia's capital. In the north-eastern region (Ida-Virumaa) the proportion of Russian speakers living in the region is about 80 per cent.<sup>4</sup> This region is highly industrialized (based on the mining industry) and, after the fall of the Soviet Union, experienced severe economic depression. The unemployment rate in the north-eastern region is the highest in Estonia. Problems such as high crime rates, drug abuse, and HIV are also particularly high in this region of Estonia (Saar, 2002). Understandably, these social issues increase the population's vulnerability to trafficking.

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<sup>4</sup> Population by sex, ethnic nationality and county. Statistical database. Statistical Office of Estonia, available at <http://www.stat.ee>.

## **Research aims and methods**

The aim of this research project was to investigate the scope, patterns and mechanisms of trafficking in human beings in Estonia. As explained in the report, Estonian society regularly conflates the concepts of prostitution and trafficking because of an unfortunate similarity in terminology: *inimkauplemine*, the term for trafficking, translates literally as "trade in persons" and can consequently be easily related to prostitution. It was therefore difficult to analyse one phenomenon without studying the other. Furthermore, to date, trafficking for sexual exploitation from Estonia has largely been related to organized prostitution, the issues are, therefore, closely related. The timeframe was restricted to the period 2001-2004 so as to be able to assess the most recent trends in trafficking in women for sexual exploitation.

More specifically, the objective of this assessment was as follows:

- To increase the understanding of the phenomenon of trafficking for the purpose of sexual exploitation in Estonia, including its mechanisms, scope and patterns.
- To gauge the level of awareness in the general public on the trafficking situation in Estonia.
- To increase awareness among government officials and NGO representatives of the need to address issues related to trafficking in human beings.
- To encourage information exchange and promote networking among stakeholders, both nationally and internationally, and provide a foundation for the development of a national action plan to combat trafficking.

The paper's theoretical background is based on analyses of the latest international research literature dealing with the problems of trafficking in persons and organized crime. In order to gain a more complete insight into trafficking in Estonia, earlier materials and reports on the subject were studied, including police records, court cases, current laws and regulations, and statistics on crime and migration. Several Estonian dailies and weekly newspapers were reviewed as well as recordings of

television programmes that had been broadcast in Estonia during the period 2001-2004.

Primary data came from interviews with experts, including legal professionals and NGO participants. To provide an accurate and up-to-date assessment on international trafficking, the International Organization for Migration (IOM) Tallinn Head of Office sent requests to IOM representatives, NGOs, police – altogether 167 contact points worldwide in order to obtain the most recent data relating to contacts with trafficking victims from Estonia.

In November 2004, data were collected during individual and group interviews with staff members and residents of a special school for delinquent girls aged 10 to 17 years. Two group interviews and one individual interview with staff members were conducted, as well as three group discussions with residents and 14 individual interviews with residents to gauge the levels of awareness and the needs of a social group particularly vulnerable to trafficking.

In order to estimate the level of public awareness, a representative poll of the Estonian population was carried out in September 2004. The poll enabled researchers to gauge public opinion and awareness of trafficking in persons. Turuuringute AS, the market research company subcontracted to carry out the public awareness poll, surveyed a total of 991 respondents aged 15 to 74.

In addition, five focus group interviews were conducted with young women from Tallinn and Kohtla-Järve (north-eastern Estonia, a region with a significant poor Russian minority) to study awareness, attitudes and understanding of trafficking and related issues. It was felt that, in terms of sex, age and employment status, these women represented social groups particularly vulnerable to trafficking for sexual exploitation. Each group was made up of eight to nine participants and was divided according to ethnicity both to facilitate discussion and to note any differences in cultural perspectives. The socio-demographic composition of the groups was as follows:

- final grade school girls from Tallinn, ethnic Estonians;
- final grade school girls from Tallinn, Russian speakers;

- unemployed women aged 18-30 from Tallinn, ethnic Estonians;
- unemployed women aged 18-30 from Tallinn, Russian speakers;
- unemployed women aged 18-30 from Kohtla-Järve, Russian speakers.

This research report consists of five chapters. The first chapter provides an overview of the concept of trafficking in persons, identifies its main characteristics and distinguishes it from other concepts with which it is often confused. The second chapter outlines the existing legal framework for combating trafficking in Estonia. The third chapter looks at the extent of trafficking in Estonia and the statistical and data collection difficulties that pose obstacles to providing an accurate picture of the situation. This chapter also looks at the nature of trafficking for sexual exploitation within and from Estonia, with emphasis on principal destination countries for trafficking victims. A number of case studies are presented to give examples of incidents of trafficking experienced by Estonian women. The fourth chapter presents analyses of public perception, awareness and attitudes towards trafficking in Estonia through a public survey and focus groups as well as a qualitative study of the experiences and opinions of girls in a special institution, concentrating on their past and present experiences with sexual exploitation, as well as future risks of becoming victims of trafficking. The fifth and final chapter analyses the representation of prostitution and trafficking in the Estonian media from 2001 to 2004, since the media plays a significant role in the formulation of social perceptions.

## **1      Chapter One: Definitions and Background**

### **1.1 Introduction**

What does trafficking in human beings entail and, more specifically, trafficking for sexual exploitation? Attempts to find an accepted common working definition of trafficking in human beings have been problematic in the past. These difficulties have hampered the understanding of the phenomenon and, consequently, the development and application of efficient methods to counter it (UNICEF, UNHCHR, and OSCE-ODIHR, 2002).

In terms of scope, difficulties in finding a working definition are related to treating the subject matter either too widely or too narrowly. The main emphasis in a definition has been placed either on a legal approach (protecting human rights and strengthening justice systems), an economic approach (supply and demand) or a social approach (women's position in society). A further complication is that both the so-called "passive" role (victim) and the "active" role (survivor) may be attributed to trafficked persons (Kelly, 2002). Clear definitions are the first step towards developing effective strategies to combat trafficking in persons.

### **1.2 International definitions**

The generally accepted and widely disseminated definition of trafficking in human beings was set out in the United Nations Palermo Protocol on Trafficking in Persons, generally referred to as the Palermo Protocol. This Protocol defines trafficking in human beings as follows:

*(a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or*

*other forms of coercion, or abduction, of fraud, or deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purposes of sexual exploitation.*

*Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour services, slavery or practices similar to slavery, servitude or the removal of organs.*

*(b) The consent of the victim of trafficking in persons to the intended exploitation set forth in paragraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.*

*(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;*

*(d) "Child" shall mean any person under eighteen years of age.*

(UN General Assembly, 2000)

The above definition was drafted as widely as possible in order to emphasize the global and general importance of trafficking in human beings. As such, it is incapable of documenting the variety of ways in which trafficking takes place. In addition, the definition emphasizes the process, not the negative outcomes/harms in themselves. For instance, a difference can be drawn between "abusive recruitment" and "abusive working and living conditions" (Derk, 1997: 35). Some argue that this definition does not clearly address:

- the actual "outcome" of the trafficking event (e.g. the situation a person is placed into);
- the various incidents of torture, rape, intimidation and threats used to ensure that the victims comply with their new situation;
- the "slavery-like" conditions they must endure over time;

- the evolution or temporal nature of the event (IOM, 2004: 10),

There are also problems related to the categorization of perpetrators of such crimes. For instance, those who "recruit, deceive and transport victims" can clearly be termed traffickers. However, there is a grey area regarding the circle of so-called third parties, or those who benefit from using/exploiting trafficked persons. If these third parties are taken into account, the percentage of perpetrators involved in trafficking would increase dramatically. Some have argued for the inclusion of employers who use trafficked labour and consumers of their products (they don't "consume" the trafficked labourers) in this category (IOM, 2004: 31-32).

Earlier failures to take into account the context within which trafficking in human beings takes place have significantly hampered efforts to develop effective methods to combat the phenomenon. The following section briefly outlines the historical and social setting behind trafficking for the purpose of sexual exploitation in Estonia.

### ***1.3 Trafficking in the Estonian context***

#### **1.3.1 General factors behind trafficking in human beings**

The problem of trafficking in human beings has become ever more pressing in the last 15 years, at a time when formerly closed borders opened to the West. In addition, the increasing gap between rich and poor countries has generated significant population flows driven by a variety of push and pull factors. Push factors for migration may include reasons such as desire to escape from ethnic conflicts and environmental degradation, desire for material survival or economic improvement, desire to escape from increasing gender inequality, family problems, domestic and sexual violence, or homelessness (Kelly, 2002: 24, and Nicolic-Ristanovic, 2002:136).

Pull factors may include the desire to accumulate savings or support dependants by working in a foreign country, the dream of securing a better future for one's children through foreign education, and the desire to transform one's life by marrying "well" (Augustin, 2002: 110-116).

The increasing market demand for cheap labour is another pull factor for trafficking in persons worldwide. In recent years, a global market culture and demand for low-prestige labour, such as prostitutes and domestic workers, have rapidly expanded, making migrants increasingly vulnerable to both labour and sexual exploitation. According to Taylor:

Market culture trades openly with the idea and the range of possibilities of globalization, feeding the fantasy that the solution of problems of material poverty may lie not within nation states but within a global market place.(Taylor, 1999: 62)

By-products and further conducive agents to trafficking in human beings include racism, xenophobia and prejudice towards foreigners. In the labour market, migrants often find it difficult to attain equal opportunities in the host country and are often regarded as a cheap labour source (Anderson and O'Connell Davidson, 2003: 42). This is all the more true when the person migrated illegally.

The often over-simplified distinction between "legal" and "illegal" migration poses another problem. It is often the case that only illegal migrants are associated with trafficking in human beings and sexual exploitation, when, in practice, deception and exploitation are also features of legal labour migration schemes, both during travel and at destination. Legal entry does not exclude the possibility of being forced into an exploitative situation upon arrival. Migrant workers' rights organizations have recently reported a "rise in the incidence of unpaid wages, confiscated passports, confinement and violence" against legal migrant workers in a number of countries (AMC, 2000). Migrant workers are particularly vulnerable to such abuses because they may not be familiar with their legal rights or may not speak the local language.

Additional migration pressures on women may explain why, according to the UN's data in 2000, "at the regional level, the number of migrant women exceeded that of men in Europe, particularly in Eastern and Southern Europe" (UN, 2004). One of the pull factors for some Estonian women may be the myth of independence and emancipation supposedly awaiting all women in the West (Wijers and Lap-Chew, 1997: 44). Another is the perception that life in the West will offer a better life and easier access to employment, where "everything seems possible and everyone is

happy" (Konig, 1997: 87). Unfortunately, the conditions and possibilities found upon arrival are often dramatically different. As a consequence of the rising demand for commercial sexual services and domestic work, more low-prestige jobs for women have become available in destination countries. The unexpected lack of alternative employment opportunities makes women, as a group, particularly vulnerable to exploitative situations. This is a contributing factor that has provoked an increase in trafficking in women, especially from newly independent countries such as Estonia.

### **1.3.2 Estonian independence and migration**

Development and growth in the Estonian economy since independence has been positive, particularly in comparison to its eastern neighbours. Nonetheless, Estonia aspires to reach development levels enjoyed by its western European counterparts. This can be seen at one level as an idealization of western life in present-day Estonia. Estonia has increasingly adopted a euro-centric outlook, and this can be seen in changes in migration. Whereas Estonia and the other Baltic States were previously considered to be the destination countries for internal migration within the Soviet Union, in the last ten years this has changed to where Estonia has become a country of origin for migration to more developed countries, especially to those within the EU. Consequently, the direction of trafficking flows has also changed.

In the 15 years since Estonia's independence, both short term and long term emigration from Estonia has steadily increased for a variety of reasons. This can be explained by both the lower wages and the lack of jobs in Estonia, and the seasonal and manual labour opportunities in EU member countries, particularly in areas such as agriculture, construction and transport. Estonia's EU membership in 2004 and the elimination of the visa requirement also contributed to an increase in emigration from Estonia.

Lack of information about living conditions and potential problems faced abroad have resulted in negative migration experiences for some Estonians. Many encounter unexpected difficulties in obtaining work. Most EU countries (with only a few exceptions, such as Ireland, the UK and Sweden), have introduced a transition period during which Estonian nationals and some other new EU members are unable to work in their countries, the aim being to protect their labour markets.

As a result of these transition periods, many labour agencies have emerged in Estonia. These agencies essentially mediate the movement of the Estonian labour force between Estonia and other EU countries. However, the lack of regulation of labour agencies creates loopholes for traffickers, who are able to take advantage of the large migration flows to common destination countries. It is estimated that by mid-2004 up to 20,000 people of Estonian descent were working abroad, mostly in Finland (ca. 10,000) and Ireland (ca. 1,500 to 2,000 people).<sup>5</sup> Sweden, Norway, Spain and the UK have also been identified as principal destination countries. It is therefore probable that these are also the principal destination countries for trafficked Estonians. Counter-trafficking measures should focus on regulating the migration flows to these major destination countries, particularly by ensuring the legitimacy of the Estonian labour agencies.

#### ***1.4 Trafficking and its links to organized crime***

Although trafficking in human beings is not a new phenomenon it has intensified on a global level by the growing involvement of organized crime (Aronowitz, 2001: 170). The vested interest of organized criminal organizations in trafficking can be accounted for by the fact that the 1990s saw large amounts of money circulating in this field. The projected profit-to-risk ratio, as compared to other illegal activities (such as trafficking in drugs or arms) was found to be very lucrative. This factor, combined with the increase in migration, was advantageous for criminal organizations (Williams, 2001: 68).

The development of organized crime, and trafficking in people as part of its operation, is connected to the expansion of the hidden economy. This is the case in emerging democracies such as Estonia. Consequently, “informal economies and conventional criminal activities end up almost coinciding” (Ruggiero, 2000: 64). Most work performed by trafficked persons, from prostitutes to domestic slaves, constitutes part of this hidden economy, where legal enterprise and criminal activity often overlap

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<sup>5</sup> The precise data about the number and social characteristics of the people who have emigrated from Estonia for work abroad are not available, because the labour agencies consider these indicators to be confidential.

(Ruggiero, 1997: 231-244). In some countries, the hidden economy constitutes an important part of the national economy (Skeldon, 2000: 30).

In Estonia, the hidden economy and the possibility for sexual exploitation are both conducive to organized crime. First, for some tourists emerging countries such as Estonia are a destination for sex tourism. Second, because as countries such as Estonia are still in a development phase and unemployment is often high, many people (particularly women) are forced into prostitution in order to support their families. Prostitutes are often controlled by criminal organizations that, in some cases, have links to traffickers. In Estonia, an example of this was suggested by the control of several Estonian entertainment businesses, often functioning as semi-legal establishments, by criminal groups (Kagge. 2004).

The connection of trafficking in women with organized criminal groups in Estonia has been reported at the international level. A report from the US Congress placed Estonian criminal organizations alongside those of Albanian and Chechen origin: "Russian organized crime groups and others including Albanian, Estonian, Chechen, Serb and Italian groups are involved in human trafficking in Europe."<sup>6</sup> In 2003, the British newspaper *The Observer* reported on an Irish police operation named "Search" and mentioned mafia-like groups operating in Estonia and Latvia, referring to a connection with the trade in women coming from Eastern Europe (Kagge, 2003b). The role of Estonian criminal groups has been highlighted in reports on trade in women in Finland and Sweden. According to information available to the Finnish police, "there are about ten professional prostitution rings in Finland, which are run from Estonia or Russia. The groups have divided Finland into separate territories. In recent years the Estonian gangs have been branching out, moving into southern and central Sweden" (Lahdenmaki, 2002).

Based on Estonian Criminal Police estimates, however, the role and number of criminal groups of Estonian origin have been clearly inflated when compared to Albanian, Chechen or Serb groups. They further claim that the inflation of figures of Estonian groups in Ireland has not been corroborated by facts, as initially claimed by the Irish Police (Kagge, 2003a). And yet, the enhanced role of Estonian organizations

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<sup>6</sup> "Trafficking in Women and Children: The U.S. and International Response", Updated 1 August 2001. Congressional Research Service Report for Congress, p. 6; Global Survival Network, An Expose of the Traffic in Women for Prostitution from the Newly Independent States, Washington, D.C., 1998, pp. 5-10.

in prostitution in Finland and Sweden dating back to the mid-1990s cannot be denied.<sup>7</sup>

### ***1.5 The difference between “smuggling in human beings” and “trafficking”***

To accurately define the phenomenon of trafficking, the concept must be distinguished from that of "human smuggling", as the two terms are often confused. Although trafficking often, but not always, involves smuggling, smuggling does not constitute trafficking. To distinguish between the two activities requires detailed information on the victim's final circumstances.

Smuggling involves the procurement by the migrant of illegal entry with the help of smugglers, whom the would-be migrant seeks out and contacts himself, and does not include continuing control at destination. In cases of trafficking, it is the trafficker who seeks out his potential victims and deceives them with false promises and accounts of a better life elsewhere. Trafficking victims normally travel of their own accord, having been duped into believing that a good job awaits them elsewhere and whose consent is subsequently abused and exploited by the coercive, deceptive, or abusive actions of the traffickers, and the control exercised over trafficking victims once they have arrived at their destination. Travel is often quite open, with proper documents. It is precisely their consent that renders trafficking victims so vulnerable at destination.

Trafficking victims are mostly unaware that they will be forced into prostitution or exploitative labour situations on arrival. Even if some victims are actually aware of what kind of 'work' they are going to do, they are not aware of the conditions that await them. The key component that distinguishes trafficking from smuggling is that once the smuggling arrangement is terminated, the irregular migrant is left to his own devices and is no longer beholden to the smuggler, even though throughout the smuggling process there often are horrible elements of fraud, force or coercion. But, in contrast thereto, as concerns trafficking, the control over the individual does not end, but, on the contrary, only begins at arrival, to be exercised with all its

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<sup>7</sup> Personal communication with Central Criminal Police official, 07 December 2004, Headquarters.

consequences and pain. As such, the difference between smuggling and trafficking is the personal freedom, or total lack of it, on arrival.

Unlike smuggling, which always involves an international border crossing, trafficking can occur regardless of whether the victim is moved internally or across an international border. It is not necessary for a victim to have been transported into an exploitative situation for trafficking to occur. It is sufficient if the victim is “recruited, harboured, provided or obtained for labour or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, debt bondage, or slavery” (Palermo Protocol).

### ***1.6 Trafficking: An in-depth definition***

In summary, the definition of trafficking in human beings contains several distinctive features, including the loss of control, third-party involvement, a commercial component, the element of time, the element of migration and the violation of human rights and national laws (IOM, 2004: 24-27). The following working definition was used in conducting this research report:

- 1) *Loss of control* refers to whether or not a person can physically leave an exploitative situation if desired. Is the person compelled to stay? This might include debt bondage, physical confinement, violence, threats of violence, dependence, intimidation, etc. If so, it represents the first distinguishing element of trafficking harm.
- 2) *Third-party involvement* relates to the participation of others in making and influencing the decisions of a person that result in an exploitative outcome. In case of trafficking in human beings, the third party must have induced the participation of the person through deception, the threat of force,, violence, or a combination of all three. If a third party benefits and/or participates in placing and/or maintaining a person in an exploitative slavery-like situation where the victim is unable to control work-related decisions for a given period of time, then this represents another distinguishing element.

- 3) The work-related exploitation must result in some kind of *commercial/financial gains for a third party*. The commercial component refers to activities in both the formal and informal sectors. It is not important whether or not the victim earns a relatively higher pay compared to the wage level of the source country.
- 4) The outcome of trafficking generally has a *beginning and an end point*, and lasts for a given period of time (sometimes months or years). In other words, trafficking is usually not a single activity or event; instead, it involves a number of activities/events that contribute to or succeed each other to constitute trafficking harm.
- 5) Trafficking in human beings is different from forced labour in that there must always be an element of *movement*, whether inside or beyond national borders. This human movement removes the trafficking victim from familiar circumstances and reinforces the power of the exploiter. Although this element is indispensable, the actual act of moving could take place in a variety of different ways: it could be legal or illegal, voluntary or coerced, personally financed or the cause of future debt bondage.
- 6) Another element of trafficking harm relates to the fact that *local laws and human rights are violated by third parties*. This is the criminal aspect related to the problem, which may include torture, rape, beating, threats of violence or reprisals to family members, food deprivation, physical confinement, fraud, deception, and/or debt bondage. (That has already been stated at the outset when referring to local laws.) Each of these factors contributes to placing and maintaining the person in an exploitative situation.

These six elements constitute the harm caused to the victim through trafficking in persons. The definition of these combined elements enables researchers to set apart trafficking in persons from other forms of exploitation.

## **2      Chapter Two: The Legal Aspects of Trafficking in Persons for Sexual Exploitation**

### ***2.1 Estonian law and trafficking in persons for sexual exploitation***

Estonia assumed its international obligation to combat trafficking I when it ratified the General Conventions of 1926 (Slavery) and 1949 (Trafficking in Human Beings and Counteracting the Exploitation of Other Peoples' Prostitution), along with their subsequent amendments. The national legislation concerning trafficking in human beings for sexual exploitation is to a large extent based on these conventions and their requirements.

In the years from 2001 to 2004, two different criminal laws relating to trafficking in persons were in force in Estonia. These included changes to both the Estonian Criminal Code, in effect until 1 September 2002, and the Estonian Penal Code, effective since 1 September 2002.<sup>8</sup> After these changes in legislation, cases of trafficking in human beings for the purpose of sexual exploitation were handled differently. The new Estonian Penal Code has more constitutive elements pertaining to trafficking in persons relative to the earlier versions.

Both codes, however, lack a special definition of the constitutive elements of the crime to allow that trafficking in persons is treated as a crime. As under Estonian law prostitution is not a crime, most cases of trafficking for sexual exploitation can still only be qualified by means of other, indirect elements. The earlier Estonian Criminal Code contained a total of three elements that treated mediators or agencies of prostitution as criminal offences. However, the highest penalty for persons who induced a minor to engage in a crime or prostitution, was discouragingly low: only seven years (Saar and Annist et al., 2001: 167-168).

Under the new Estonian Penal the conditions to combat trafficking in persons have been reinforced, as several more circumstances concerning various aspects of

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<sup>8</sup> Because qualification of crimes is based on the time when they were perpetrated, after 1 September 2002 new criminal cases have been initiated based on the earlier applicable criminal law.

trafficking in persons were added.<sup>9</sup> The Penal Code now criminalizes enslavement, abduction, encouraging or aiding minors to engage in prostitution, manufacturing or disseminating child pornography, and providing a premise for unlawful activities, including prostitution. Prostitution itself, however, is not illegal in Estonia.

The following table lists statistics of all the crimes recorded between 2002 and 2004 that could be qualified as the cases of human trafficking.

Table 1: Offences potentially related to trafficking in persons, recorded by the police in Estonia: 2002 to 2004

	2002	2003	First ten months of 2004	Total
Penal Code § 133. Enslavement	0	5	1	6
Penal Code § 134. Abduction	0	0	0	0
Penal Code §173. Sale or purchase of children	0	0	0	0
Penal Code § 175. Disposing minors to engage in prostitution	1	2	0	3
Penal Code § 176. Aiding prostitution involving minors	1	1	2	4
Penal Code § 177. Use of minors in manufacture of pornographic works	0	1	1	2
Penal Code §178. Manufacture of works involving child pornography or making child pornography available	0	2	1	3
Penal Code § 268. Provision of opportunity to engage in unlawful activities, or procuring	11	36	43	90
... including provision of premises for the purposes of, and procuring, prostitution	10	22	36	68
Criminal Code § 202. <sup>6</sup> Disposing a person to prostitution, or procuring*	8	8	4	20
<b>Total offences</b>	<b>21</b>	<b>55</b>	<b>52</b>	<b>128</b>

Source: Estonian Police Board, unpublished data, obtained 28 January 2005. If the crime was committed while Estonian Criminal Code was in force, the act is qualified according to this Code.

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<sup>9</sup> Presentation of such *corpus delicti* does not mean that in the process of "trafficking in persons", commitment and qualification of other crimes would be impossible.

These elements reflect only partially the phenomenon of trafficking in persons. In the majority of cases, according to Estonian Law, only persons directly involved in sexual exploitation can be brought to justice. The incriminating elements used most often in cases of this nature have been that of providing a premise for illegal activity.

Although the *corpus delicti* of enslavement is closest in substance to trafficking in persons, its actual application in such cases is problematic. Enslavement is defined as "placing a human being, through violence or deceit, into a situation where he/she is forced to work or perform other duties against his/her will for the benefit of another person."<sup>10</sup> The right affected by enslaving is the right to self-determination, i.e. the right of a person to decide his/her location and activity. However, even within this code, problems have arisen due to varied interpretations of definitions, such as "working against his/her own free will" and "to the benefit of another". Working against one's own free will allegedly presupposes absolute coercion, a very rare occurrence in actual trafficking cases. More prevalent is the gradual transition from less serious forms of exploitation to more serious ones.

The main difference between enslavement and trafficking in persons lies in the fact that, under the present Estonian Penal Code, a person may not fall under the category of actual slavery; rather he/she is placed in a situation similar to enslavement. This approach is, among others, used by the UN's Palermo Protocol trafficking definition, the wording of which reflects the fact that slavery as such has been abolished, and can therefore be referred to as "similar to slavery" or to "slavery-like" conditions. (UN General Assembly, 2000).

In addition, while the existence of exploitation is relatively easy to demonstrate, the courts find it relatively difficult to convict solely on the basis of enslavement. One reason for this is that "pure" trafficking cases are difficult to prove. A typical trafficking case may begin as labour migration abroad under conditions to which the victim agreed while in Estonia, and only after a certain time period do the conditions of enslavement, fraud, debt burden, and sexual exploitation occur. It is only in isolated cases that it is possible to prove in court that the victim had no opportunity, either

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<sup>10</sup> Estonian Penal Code. State Gazette I 2002, 56, 350. Enacted 1 September 2002.

physically or mentally, to flee from the conditions of sexual exploitation or to refer to law enforcement agencies.<sup>11</sup>

Another *corpus delicti* worth noting pertains to abduction. It aims to further protect persons against being subjected to enslavement or exploitation by providing punishment for seemingly regular acts that may precede enslavement, such as in cases of abduction of a person across state borders. However, the usefulness of this in bringing traffickers to justice is questionable, as commentaries on the Penal Code note:

As a rule, it is the connection of the first links in the chain of trafficking in persons (the fraudulent travelling agents, the recruiting agents etc.) with the actual violation of personal freedom (forced marriage, prostitution etc.) which is especially hard to prove (Sootak and Pikamäe, 2002: 288-289).

The use of *corpus delicti* in cases of trafficking in persons is further complicated due to the fact that, within the definition, the understanding of "personal freedoms being curtailed and trespassed" varies in different countries. Subject to commentary, these are:

The states, which do not recognize in their legal order and practice the human rights taken for granted in western democracies (like the freedom to marry, the freedom of movement, the ban on forced labour, etc.) and the states which cannot be easily left due to the defectiveness or inability of diplomatic service or due to the fact that even the most primitive means of communication and/or transport are unavailable. (Sootak and Pikamäe, 2002: 289)

At such an early stage, it is difficult to judge whether the multiple constitutive elements in the Estonian Penal Code will be effective in combating trafficking cases in Estonia. It should be noted that, at the time of writing, no criminal cases related to such *corpus delicti* have been registered in Estonia.<sup>12</sup>

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<sup>11</sup> Estonian Police Board, unpublished data, obtained 28 January 2005.

<sup>12</sup> Estonian Police Board, unpublished data, obtained 28 January 2005.

It is obvious that in order to fight the trafficking in persons more effectively, there should be a separate *corpus delicti* prohibiting trafficking in persons, defined in accordance with the internationally accepted standards on trafficking in persons. The Estonian Penal Code, where trafficking in persons has to fit within the elements of such crimes as enslavement or procurement of prostitution, is currently rather inadequate to deal with trafficking in persons. For instance, the agencies mediating work abroad are operating without any responsibility for the subsequent well-being of their clients. It is often impossible to prove that the victim of trafficking has been knowingly or neglectfully pushed into a situation where he or she had to submit to (sexual) exploitation. Trafficking for sexual exploitation can exist in parallel to, or develop on the basis of other forms of, exploitation.

## **2.2 Law enforcement and trafficking in human beings**

It was not until May 2004 that the Estonian Police Board, the State Prosecutor's Office, and the Border Guard Board reached an unofficial agreement on the use of the term trafficking in persons as an umbrella concept in their departments. It was decided that trafficking in persons be viewed as "any activity, which is related to recruiting, kidnapping, carriage, transfer, sale or acceptance of persons within the territory of the country or across international borders by coercion, force, deceit or fraud, with the aim to compel the person into a situation (such as enslavement) against their free will."<sup>13</sup> Subject to this unofficial agreement, the concept of trafficking in persons was to follow the Penal Codes outlined above.<sup>14</sup>

Although no separate *corpus delicti* for trafficking in persons exists in Estonia, open dialogue between law enforcement agencies should be seen as a first step to the Penal Code's development in this area. This would certainly be effective in furthering the legal protection of victims and the prosecuting of traffickers.

In recent years, the Estonian Police has increased its investigative activities related to trafficking. A police official at the Criminal Intelligence Department (CID) of the Central Criminal Police (CCP) has the task of exchanging information on trafficking in

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<sup>13</sup> Unpublished material, obtained from Central Criminal Police official, 7 December 2004.

<sup>14</sup> Personal communication with Central Criminal Police official, 7 December 2004, Headquarters.

persons with both Interpol and Europol. If needed, the CCP are also able to share this information at local level.

On 1 November 2003, a task force to combat prostitution was initiated under the supervision of Personal Crimes Service of the Tallinn Police Prefecture, the executives of which are also concerned with trafficking in persons. Furthermore, there are police executives working with the Analysis Department of Organized Crime at the CCP, whose direct responsibility is to solve criminal cases related to trafficking in persons in Estonia.

The Witness Protection Act came into force on 1 January 2005. Adoption of this law will be of paramount importance from the point of view of trafficking victims and will enable the more efficient handling of offences related to trafficking in persons.<sup>15</sup>

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<sup>15</sup> Draft law 486 SE II available at <http://web.riigikogu.ee/ems/plsql/motions.show?assembly=10&id=486&t=E>.

### **3      *Chapter Three: Mechanisms, Magnitude and Patterns of Trafficking in Estonia***

#### ***3.1 Methodology of this research in obtaining statistics***

The Estonian press reports on the majority of trafficking cases known to the police and NGOs, regardless of whether the case is internal or cross-border. It should be noted that during the investigation it was found that the press, national law enforcement agencies, and NGOs are generally involved with the same cases (and often victims) related to trafficking in Estonia. These organizations were all used in this report as sources to measure the extent of trafficking in Estonia.

##### **3.1.1 Statistical difficulties**

Researchers have been faced with several methodological problems in their attempts to provide exact numbers of trafficking cases in Estonia. Police statistics can be referred to when individual cases were treated and classified as criminal acts. However, Estonian police statistics concern individual criminal events; it is often hard to connect these unless one is familiar with the case. As a result, several different types of crimes could be perpetrated in regard of one and the same victim (e.g. enslavement, providing for and mediation of prostitution, use of minors in producing pornographic material), but this is not apparent in official statistics. In addition, the analysis of criminal cases carried out during this research found that different recorded crimes were infrequently related to the same trafficking event or victim. In other cases, multiple victims were involved in the context of one criminal case, such as mediation.

The perspective of the victim, considered important in cases of trafficking in persons, is also under-represented in police statistics. In this regard, data obtained from the Estonian Police regarding victims are by and large inadequate. A further complication in conducting research in this area is that third-party access to criminal case

materials is prohibited. More detailed surveys of the circumstances of individual crimes were therefore unobtainable. Accurate data relating to victims can be gathered only from completed and archived court cases.

Data on trafficking victims is easier to collect from NGOs concerned with a specific social group. Nonetheless, use of this data as a basis for reliable statistics related to trafficking in persons poses problems of a different nature. As a rule, NGOs calculate the number of persons affected based on the number of recorded contacts (e.g. an NGO providing support to target group will keep records of how many persons they provide with assistance and support). Due to the sensitivity of the support services provided to clients, no personal data are collected for official use.

In some cases, statistics detailing the number of clients accessing NGO services may be inflated due to the number of individuals who receive a single, particular service (e.g. free condoms or medical check-ups). Some critics have also argued that NGOs often focus on a single issue, and in some cases seek to emphasize the scope and severity of the problem they handle. All those circumstances must be taken into account when considering the data obtained from police and NGOs regarding cases related to human trafficking.

### ***3.2 Quantifying trafficking in persons in Estonia and the link to commercial sex services***

In Estonia, trafficking in persons for the purposes of sexual exploitation is related to the local market demand for commercial sex services. At the end of the 1990s, this demand stabilized in Estonia, following a boom period in the mid-1990s. In 2003, there was evidence of a renewed surge in demand for sex services, incurring public concern regarding prostitution. The Estonian mass media repeatedly expressed apprehension that Estonia's lenient penalties for traffickers and clients, and the moderate prices for sexual services, could transform Estonia into a popular destination for sex tourism. Tallinn was envisioned as the new Bangkok of the Baltic-Nordic region (Ilisson, 2003). There was heightened awareness of the issue of

punishment in Estonia, particularly in comparison to the relatively strict policies regarding these matters in the neighbouring Nordic countries, notably Sweden.

In hindsight, there has been a general feeling by some that the issue was partially hyped and that prostitution figures in Estonia were inflated. In the opinion of some critics, there are no grounds to postulate that the number of prostitutes in Estonia is higher than in the late 1990s. If prostitution figures are lower than previously supposed, it is conceivable that the real figures of trafficking for sexual exploitation are also lower. Finding reliable statistics to back this has, however, proven difficult.

### **3.2.1 Prostitution in Estonia: Controversial estimates**

There are widely discrepant and controversial estimates regarding the numbers of prostitutes in Estonia. The number of girls and women in local brothels is sometimes estimated to be between 3,000 to 5,000 (Nordic Council of Ministers, 2002: 14). According to other sources, the figure is below 3,000 (Pettai, 2003). Based on interviews with Estonian police officers in Tallinn in 2002, only half believed that more than 1,000 women were involved in prostitution in Tallinn (Pettai and Kase, 2002). The task of gathering empirical evidence and statistics to corroborate any of these figures, as outlined in earlier sections, is almost impossible.

To assess the true number of prostitutes in Estonia, a survey of data from an Internet forum belonging to prostitute clients was carried out within the framework of this study. It was found that a significantly lower number of prostitutes are involved in Estonia than stated on the website or in earlier estimates. Rather, clients and prostitutes constitute a small circle of regulars rather than participants in a large-scale illegal organization. For example, in calculating all the known brothels operating in Estonia and then estimating the average numbers of persons employed at each, it would be difficult to reach a figure above 1,000 to 1,500 actively operating prostitutes in Estonia. In an investigation conducted by the authors in 2000, similar conclusions were reached (Saar and Annist et al., 2001: 165). This is important with regard to the size of the trafficking problem in Estonia, since market demand for the victims of trafficking is directly linked to the supply of commercial sexual services.

### **3.2.2 Victims of trafficking and prostitution**

A vital issue in criminal proceedings is the reluctance of victims to cooperate with the police and to convey detailed information about trafficking cases. Due to the fact that the victims are often involved in sex business, they generally fear retribution from their "bosses". For various reasons, witness protection programmes are used only in very complicated court cases related to organized crime.

Between 2002 and 2004, there were a total of 12 criminal cases relating to prostitution and pornography involving minors in Estonia. Based on international principles, the case automatically qualifies as a trafficking in humans when the victim is a minor. Such cases have been mentioned also in one of the earlier Estonian studies investigating the trafficking of children (Trummal, 2003: 26).

The question of how many persons involved in prostitution in Estonia are victims of trafficking is still open. One option for assessing the number is to refer to official crime statistics, specifically crimes involving violence. Trafficking for sexual exploitation often relates to other crimes involving violence, for instance homicide, sexual assault, physical mutilation, etc. Yet, among violent crimes committed in Estonia from 2001 to 2004, very few have been targeted at women involved in sex business. Furthermore, there are no publicly known cases in Estonia of sexual assault or murder of prostitutes.<sup>16</sup> It is, however, plausible to expect that many cases of violence against prostitutes were neither detected nor investigated.

### **3.2.3 Origin and recruitment of trafficking victims**

The insinuations recurrent in the press lately about women from the former USSR being forced into prostitution throughout Estonia have so far not been supported by evidence. Claims from Estonian journalists portraying a situation where women receive two to three months "hands-on practice" in Estonian brothels before moving abroad should be treated with caution (Karell, 2004). Naturally, information about trafficking victims from the former USSR who do not hold a legal residence permit is

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<sup>16</sup> Personal communication with Estonian Central Criminal Police official, 7 December 2004.

difficult to access because they will be considered as illegal migrants first and foremost by Estonian immigration authorities. However, claims about the increasing number of active prostitutes, whether trafficked or not, from the former USSR could even be dismissed as illogical, as it is our belief that there is no "supply gap" in Estonia due to the number of currently active Estonian prostitutes.

Different Estonian experts seem to agree that about 80 per cent of persons involved in providing sexual services in Estonia are of Russian-speaking origin. Usually, they come from Tallinn or north-eastern Estonia.<sup>17</sup> The same fact has been confirmed in respect of Estonian prostitutes in Finland. According to both Finnish NGOs and the Finnish police, the proportion of Russian-speaking Estonians among prostitutes coming from Estonia to Finland is far greater in comparison to ethnic Estonians. This would suggest that most trafficking Estonian victims forced to prostitute themselves would also be members of the Russian-speaking minority.

The main direction of trafficking in persons coincides with the direction of movement of persons involved in sex business, that is, outbound and moving towards developed countries. In this regard, the situation has remained unchanged compared to the late 1990s.

There are a variety of methods used to recruit trafficking victims in Estonia. A commonly used method is placing job advertisements in newspapers or on the Internet, or recruiting by word-of-mouth. The researchers feel that the majority of people moving abroad from Estonia to engage in sex business are well aware of the type of activities they will be expected to engage in. These cases do not necessarily constitute trafficking in persons; their classification depends on the conditions upon arrival. Police data indicate that there are few officially confirmed cases in which individuals have been forced or tricked into prostitution.<sup>18</sup>

Cases of trafficking in persons in Estonia are predominantly related to deception whereby victims have not been fully informed of the nature of their job. According to police data, women are often deceived by promises of better living conditions and

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<sup>17</sup> Personal communication with Estonian Central Criminal Police official, 7 December 2004. The situation has persisted relatively unchanged as compared to an earlier study (Saar and Annist et al., 2001: 165-166).

<sup>18</sup> Personal communication with Estonian Central Criminal Police official, 7 December 2004.

better wages than are actually provided upon arrival. Cases have also been reported in which passports and possessions have been confiscated.

### ***3.3 Destination countries for trafficking victims***

This section provides details on the four principal destination countries for Estonian persons trafficked for sexual exploitation. It is inevitable that, as a result of improved communication and transportation networks, the number of trafficking victims from Estonia will increase. Although a clear distinction must be made between trafficking for sexual exploitation and prostitution, the two are often (although not necessarily) linked.

#### **3.3.1 Destination country: Finland**

There is evidence that a large number of Estonian prostitutes migrate to Finland annually. Estonian police sources suggest that the number of Estonians travelling to Finland throughout the year for the purpose of prostitution may amount to between 500 and 1,000 persons.<sup>19</sup> According to other estimates, ethnic Estonian and Russian-speaking women accounted for around 90 per cent of all prostitutes in Finland in the early 2000s.<sup>20</sup> Estimates regarding how many of them come from Estonia and how many from Russia diverge significantly. According to some data, women coming from Estonia the majority (68%),<sup>21</sup> while other sources indicated that 87 per cent of prostitutes came from Russia.<sup>22</sup> Such differences are, at least partially, related to the problem of classifying Russian speakers coming from Estonia.

Reasons for the choice of Finland as a destination include the fact that it is close, that cultural links between Estonia and Finland are strong, and that the standard of living in Finland is higher than in Estonia. For the Estonian people, Finland was both the symbol and gateway of the "free world" during the Soviet era. After 1997, visa requirements between Finland and Estonia were relaxed, creating a situation in

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<sup>19</sup> Personal communication with Estonian Central Criminal Police official, 7 December 2004.

<sup>20</sup> Study conducted by Korpisaari, H., a researcher of the Central Criminal Police in Helsinki, based on the procuring cases recorded by police authorities between 1998 and 2001. Cited by Lehti and Aromaa, 2002: 53.

<sup>21</sup> Ibid.

<sup>22</sup> Results of the project conducted by STAKES. Cited by Lehti and Aromaa 2002, p. 53.

which Estonian nationals were not only able to travel freely and easily to Finland and other Nordic countries, but felt encouraged to do so, given the difficult economic situations at home (Lehti and Aromaa, 2002: 50).

It is still unclear what proportion of the prostitution-related statistics regarding migration from Estonia to Finland are trafficking cases. It is thought that the vast majority of these persons were already engaged in prostitution before going to Finland. On the one hand, prostitution occurs in Finland through the use of traditional channels and organizations. On the other, Finnish and Estonian police sources assert that all prostitution circles in Finland are largely controlled by Russian (St. Petersburg-based) and Estonian criminal organizations (Lahdenmäki, 2002). This is a trend that began in the mid-1990s and continues today.<sup>23</sup> Regardless, these prostitution migration trends create an important door for traffickers aiming to exploit their Estonian victims in Finland. As such, on August 1, 2004, Finland introduced new provisions on trafficking in human beings into its Penal Code.

### **3.3.2 Destination country: Sweden**

The second traditional destination country for both trafficking victims and prostitutes from Estonia is Sweden. According to the National Criminal Investigation Department (NCID) estimates, between 400 and 600 women are trafficked into Sweden every year. Most of them come from Russia and the Baltic countries. This number has remained fairly constant during the past several years (National Criminal Investigation Department, 2004).

In Sweden, prostitution is regarded not only as an aspect of male violence against women and children, but also as a form of exploitation. Since 1 January 1999, "purchasing or attempting to purchase sexual services" has constituted a criminal offence punishable by a fine or imprisonment. Women and children who are victims of prostitution or trafficking do not risk legal repercussions. On 1 July 2002, the law criminalizing trafficking in human beings for sexual purposes came into force in Sweden. The crime is qualified as trafficking in persons when the court proves the use of "unlawful coercion", "deception" and/or other "similar improper means" (Swedish Ministry of Industry, Employment and Communication, 2004).

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<sup>23</sup> Personal communication with Estonian Central Criminal Police official, 7 December 2004.

According to Swedish police data, there are currently five criminal cases are under investigation for alleged trafficking in persons. A significant number of victims of these criminal cases, 12 women, came from Estonia,<sup>24</sup> but it is not known how many of them should be treated as victims of trafficking in persons based on the UN definition. According to the data from the Estonian Police, during 2004 they handled and exchanged information with the Swedish police in connection with 15 cases of international prostitution involving approximately 50 to 60 women from Estonia.<sup>25</sup>

### **3.3.3 Destination country: Norway**

Norway has also been identified as a new destination country for women trafficked from Estonia for sexual exploitation. According to data from the Norwegian NGO Pro Sentret, since 2001, the share of women from Estonia among Norwegian prostitutes has increased. In 2002, they had established contact in Oslo with only a few Estonians, in 2003 with 56, and in 2004 (as of the end August) with 75 persons of Estonian origin. They also had data on four trafficking cases involving at least 12 Estonian women in 2003 and 2004; in earlier years, such cases had been unheard of.<sup>26</sup> In 2004, Estonian and Norwegian law enforcement agencies considered two trafficking cases, in the course of which approximately 30 female victims from Estonia were acknowledged.<sup>27</sup> These cases were tried using the new article of the Criminal Code prohibiting trafficking, adopted in 2003 (O'Brian and van den Borne et al., 2004: 197).

### **3.3.4 Other destination countries**

It is believed that every fifth prostitute in the Netherlands is a victim of trafficking (Dutch National Crime Squad, 2004: 197). Although country of origin statistical breakdowns are not available, it is known that about 19 per cent of the trafficking victims originate from Central and Eastern Europe (Bruinsma and Bernasco, 2004: 84-86). According to a report from the Bonded Labour in the Netherlands (BLinN)

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<sup>24</sup> Personal communication with Swedish Police official, 29 November 2004, Tallinn.

<sup>25</sup> Information received from Estonian Central Criminal Police official 17 December 2004.

<sup>26</sup> Data obtained from IOM Tallinn.

<sup>27</sup> Information received from Estonian Central Criminal Police official 17 December 2004.

Programme, from 2002 to 2004 the organization has been in contact with four women trafficked from Estonia to the Netherlands.<sup>28</sup>

Germany and Ireland have records pertaining to a limited number of Estonian women trafficked for the purpose of sexual exploitation. IOM Bonn has returned four such victims to Estonia since 2001. There have been reports in the Irish press claiming that women arriving in Ireland from Eastern Europe (including Estonia) to study English are actually forced to into prostitution (Kagge, 2003b). In addition, data from the following European countries reported isolated cases of trafficking related to Estonia: Spain, Denmark, Belgium, Slovenia, Italy, Portugal, and Switzerland.<sup>29</sup>

### **3.4 Case studies**

The following case studies are based on accounts that have been published, such as criminal cases. The authors hope that these case studies will exemplify the type of situations that constitute trafficking for the purpose of sexual exploitation in Estonia.

#### **3.4.1 Case study one**

A 16-year old Latvian girl met a man in a bar and, after a night of drinking, 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-speaking girl from Tallinn, who was a year older, into prostitution. In the summer 2002, both girls were sold to a brothel in a village in Tartu County. Different owners forced the girls into prostitution for several brothels, where they generally earned a meagre EEK 50 (about US\$ 4) per client. The Latvian girl escaped several times only to be recaptured. Finally, after two years of sexual exploitation in Estonia, the girl was able to approach the police. In April 2003, four persons from Tallinn and four persons from a village in Tartu County were charged with "enslavement" and "luring minors to engage into prostitution" (Palta, 2003). So far the trial has been prolonged and a sentence has not been reached.

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<sup>28</sup> Data obtained from IOM Tallinn, 27 July 2004.

<sup>29</sup> Data obtained from IOM Tallinn, June and July 2004.

### **3.4.2 Case study two**

A 45-year old Finn was accused of trafficking in persons. He was allegedly involved in an organized international crime ring that was prostituting women from Estonia, Latvia and Russia to Finland. The trafficking began in 2003 when at least 30 women were forced into prostitution in seven Finnish towns. The youngest known victim was a 17 year-old Latvian girl. The person who forced her into prostitution may, under Latvian law, receive a 15-year prison sentence.

Orders for prostitutes were organized from a centre located in Tallinn. When a client found a suitable prostitute via the Internet, he would call the 24-hour call-centre and his call was diverted to the respective girl. The trafficking victims provided sex services in rented apartments in Tallinn and Finland (SL Õhtuleht, 2004). Five local women worked in the call-centre as "dispatchers". All five women later pleaded guilty to the charges brought against them. Their accomplices, however, received comparatively mild sentences. According to data from the Finnish Police, the ringleader had been engaged in trafficking at an earlier stage.

### **3.4.3 Case study three**

In December 2002 the Swedish police apprehended a 52 year-old Finnish citizen. Over two years, in four apartments in Stockholm, the man had prostituted a total of 36 women. Eight of them were Swedes and the remaining 28 women came from Estonia. The Swedish police found a register of women in the computer in his apartment. It contained a comprehensive review of his activities, clients and income. It also included a list of thousands of contacts and approximately 570 clients whose identities the Swedish police are investigating. Preliminary investigations into the cases of 20 of these clients have already begun.

At least two Estonian girls trafficked by the Finnish pimp were only 17 years old. They had been attracted by job offers in newspaper advertisements for escorts, striptease dancers, masseuses, and models. The girls answered the advertisement and met a pimp in Tallinn who promised that they would have an option to decide whether they would provide sexual services. The girls accepted the job and travelled to Stockholm within the week, where they were forced into prostitution.

The manager of the brothel was sentenced to four years in prison for procuring. The accused was sentenced for procuring only, not for trafficking in women or sequestration. The court found that the pimp had exploited women who had suffered economic hardship in Estonia and that there was not sufficient evidence to classify the case as trafficking in persons. The reason for this was that the women had travelled to Sweden voluntarily and, according to the Swedish trafficking laws, person(s) can only be convicted if they forced or lured their victims by fraud to go to another country as a "sex slave". The court also discharged the pimp from the accusation of "limiting of personal freedom", because the court was unable to prove that the women had not consented to being kept locked up (Kaupmees, 2003).

#### **3.4.4 Case study four**

In 2001, the Dutch authorities accused a 30-year old Estonian citizen of being the ringleader of an international trafficking network. It is alleged that he sold at least six Estonian women to the Netherlands. He promised the women a well-paid job but prostituted them instead. In 2001, in efforts to appease the Dutch authorities, the Estonian government extradited the man to try him in Estonia for his crimes. The Dutch authorities had earlier contact with his brother, who allegedly had been part of a trafficking ring (charges of child pornography were also laid against him). Later, the brother completed an eight-month prison sentence in the Netherlands and was released in early 2001 (Pöld, 2001). There were further allegations that their father had also been involved in trafficking in persons (Mäe, 2001).

#### **3.5 Estimated magnitude of trafficking**

In sum, information from different sources coincide regarding the main destination countries for trafficked women from Estonia, i.e. that the most important destination countries from 2001 to 2004 were Finland, Sweden and, increasingly, Norway. It was also found that there were isolated cases in Holland, Germany, the US and Japan, each country having witnessed up to ten cases of trafficking. The remaining countries (Spain, England, Belgium, Slovenia and Italy) were represented by single cases only. Since Estonia has had earlier historical and cultural ties with Finland, Sweden and

Norway, these countries are traditional destinations for trafficking victims. This could explain why countries that are geographically and culturally more distant, such as countries in the Asia Pacific region, are less represented as trafficking destination countries. Moreover, there is little evidence of trafficking of women to Estonia, although evidence may be difficult to access because of the illegal migrant status of individuals potentially involved.

In recent years, the claim that there are 500 trafficking victims from Estonia each year has been reiterated and argued over by media, researchers and others, often clouding the debate about trafficking in people in Estonia and diverting attention away from other issues of concern in the debate. The number was originally quoted in a newspaper supplement in 2002 (Uusmaa and Uusen 2002: 22-23). The article did not provide any methodological basis for the estimate. Within the framework of the presented research report, the authors attempted to find an empirical basis for the claim of 500 victims a year, but were unable to do so, based on police and other sources. In this report, the authors chose, for methodological reasons, to focus on actual criminal cases, either complete or being investigated, that police authorities of the different countries in question had collected in respect of Estonian prostitutes or illegal migrants. It was assumed in these cases that the women involved were *likely* to be victims of trafficking. It should also be noted here that, as mentioned earlier, when researching the extent of trafficking to and from Estonia, the researchers consistently came across the same trafficking cases in information given by NGOs, police, the media and other relevant sources.

Despite evaluation of the evidence and case files available, it is nonetheless a difficult task to estimate with any degree of precision the total number of women trafficked out of Estonia. Until more concentrated efforts are made to improve the collection of statistics related to trafficking, all figures and estimates should be treated with caution. Without an adequate mechanism for gathering and analysing statistics, it is possible for statistics to be either inflated or downplayed. Also, because of Estonia's inadequate legislation relating to trafficking, it is possible that trafficking cases are "hidden" among other criminal cases, or not recognized at all. This could be remedied by changes in legislation. Based on confirmed cases drawn from Estonian Police Board statistics that list convictions for offences committed under the Penal Code, this investigation found that the number of known victims trafficked from

Estonia for sexual exploitation during the period 2001-2004 amounts to a total of around 100 persons.

## **4      Chapter Four: Public perception and awareness regarding trafficking in women in Estonia**

### **4.1 Methodology and sample**

A national opinion poll was conducted in September 2004. The random sample included 991 individuals. Initially, the idea was to use the same questionnaire that had been used in similar IOM studies in 2001 and 2002 (IOM, 2002). However, after lengthy discussions, it was decided to divert some attention from trafficking for the purpose of sexual exploitation to the more general question of readiness and motives for migration, as this kind of research had not been carried out previously in Estonia, and the authors felt it would contribute to a broader understanding of trafficking and illegal migration in general. The team received inspiration from a Slovenian trafficking study (Zavtranic Zimic and Kavčič et al., 2003). The opinion poll was carried out by Turu-uuringute AS (Market Research Ltd), and the data was analysed by researchers from the Institute of Law, University of Tartu, Estonia.

There were also five focus group interviews conducted for the purpose of this study. Each interview contained eight to nine participants from the following social-demographic groups:

- Final grade school girls from Tallinn, Estonian speakers;
- final grade school girls from Tallinn, Russian speakers;
- unemployed women aged 18-30 from Tallinn, Estonian speakers;
- unemployed women aged 18-30 from Tallinn, Russian speakers;
- unemployed women aged 18-30 from Kohtla-Järve (northeast Estonia), Russian speakers.

It was felt that women from these socio-demographic backgrounds would provide the most pertinent information regarding general awareness of trafficking for the purpose

of sexual exploitation. The focus group interviews were conducted in Tallinn and Kohtla-Järve in November 2004.

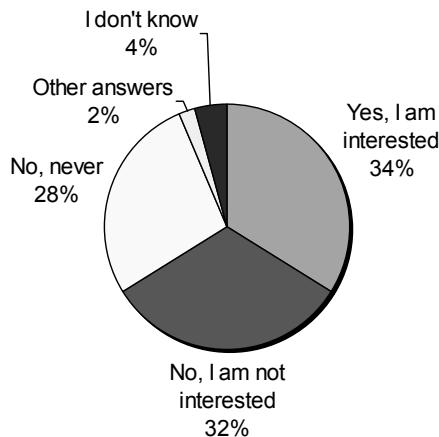
## ***4.2 Presentation of results: Willingness to migrate and motivations for migration***

### **4.2.1 Opinion Poll Results**

The first issue under investigation concerned migration abroad and motives behind such migration. This included research into the kind of information people used to learn more about prospective jobs abroad, and how important this information or sometimes lack of information was in the decision making process.

Of all the poll respondents, 33.9 per cent answered that they would be interested in working abroad. The responses differed between men and women. Men were more interested in getting a job abroad (37.5%) compared to women (30.9%). However, the trafficking phenomenon is surely affected by the fact that, for the age category 15 to 19, the readiness for migration was higher among female respondents. As many as 81.2 per cent of girls under 20 said that they would migrate to a foreign country. For their male peers the percentage was also high (74.6%), but lower in comparison to the girls.

Figure 1 "Would you migrate to a foreign country?"



Confirming previous concerns regarding the vulnerability of the Russian minority, the data showed that Russian speakers were more interested in looking for a job abroad compared to Estonians. Less educated people were also more interested in travelling and migrating abroad than respondents with a higher level of education.

However, with few exceptions, there were no big differences regarding people of different income levels. Nonetheless, some exceptions are extremely relevant: women with an average income per household member of less than 1,000 EEK (approx. US\$ 83) per month displayed a considerably higher motivation to migrate to work abroad (43.4%). Another exception, again, were female respondents whose average income per family member was between 2,000 and 3,000 EEK (approx. US\$ 166 and US\$ 250, respectively), of whom only 13.8 per cent were interested in working abroad. In other age and income categories the percentage was around 30 per cent.

Another aspect that was looked at was the region in which respondents lived.<sup>30</sup> North-eastern respondents displayed the highest motivation for migration. Almost half of the men (46.5%) and only slightly fewer women (40.9%) expressed an interest in working abroad.

These poll results support assumptions regarding push factors. Those with a lower level of education, lower income and from regions with economic problems tend to be the kind of people who are ready to migrate. Young women were shown to be an especially motivated group.

In looking at the motives behind potential migratory movements, it could be noted that the prevailing reasons are financial: 72 per cent of respondents (76.6% males and 67.3% females) expect to earn a lot of money quickly. Another reason related to financial issues is the desire to support one's family. Approximately one-fifth of respondents (21.2%) thought they could help relatives in this way; there was no big difference between the answers given by females or males.

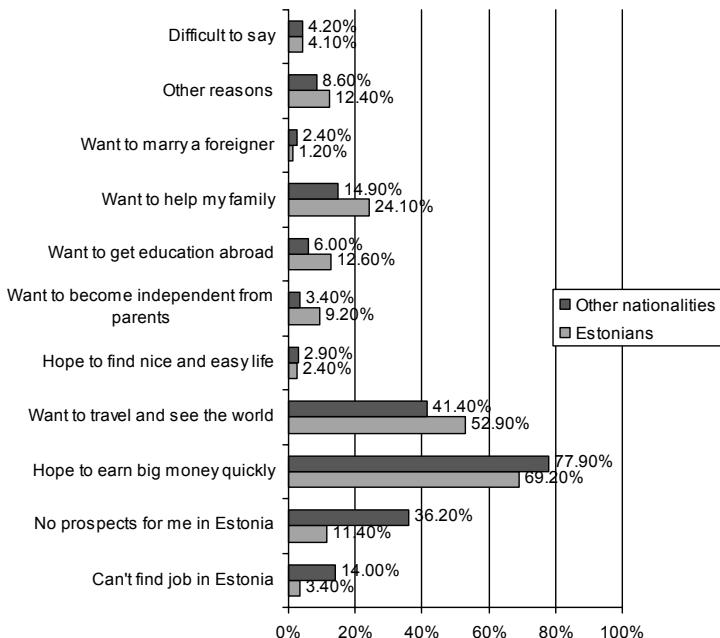
The second most popular reason for going abroad was the wish to travel and see the world. Of all respondents, 49.2 per cent expressed this wish. This curiosity was slightly more characteristic for females (50.8%) than for males (47.6%), and for younger age categories compared to older ones.

In addition, an important reason to move abroad is the feeling that the respondents lacked prospects in Estonia. Of all respondents, 19.4 per cent have this feeling (males 20.9%, females 17.8%). There is a clear difference in the structure of answers when comparing ethnic Estonians and other minorities, particularly Russian speakers. Particularly important in this respect are factors such as unemployment and lack of prospects. While 3.4 per cent of Estonians declared that their inability to find a job at home would motivate them to move to another country, 14 per cent of Russian speakers pointed to unemployment as a reason for migration. The differences are especially notable when the prospects for the future are concerned. More than a third, namely 36.2 per cent of Russian-speaking respondents thought they had no future in Estonia, in contrast to 11.4 per cent of ethnic Estonians.

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<sup>30</sup> For the purpose of this survey, Estonia was divided into six regions: Tallinn, North, West, Northeast, South and the Central region.

Figure 2: Reasons for moving to another country.



Approximately one-tenth of all respondents indicated that they wanted to go abroad to study. A fuller picture may be obtained when looking at the younger age categories. Among boys aged between 15 - 19, 14.8 per cent wanted to go abroad to study. The data also showed that girls of the same age were considerably more interested in studying abroad (23.8%). Among 20- to 29 -year old respondents, the proportion of those willing to study in a foreign country was still very high, although slightly less in comparison to their younger counterparts (12.5% for males and 16.7% for females). For other age categories studying was not an important or primary reason for migration.

#### **4.2.2 Focus group results**

The data from focus group interviews helped to give a clearer insight into the readiness and motives for migration. Two group interviews were conducted with high school girls, the majority of whom were to leave school the following spring. The girls were mostly oriented toward continuing their studies at a university or college. Studying abroad was definitely one possibility they highlighted. The following are some sample opinions and comments:

Definitely at some point in my life I would like to try living abroad.  
I would like to go [abroad] because education is better there.

Many girls preferred to look for a job that would help them earn some money to study. One popular option was a temporary job, such as working during the summer or a short-term period prior to study, i.e. a maximum of one year:

It would be impossible for me to go abroad for good. Only during one summer, a couple of months, but I would not stay more than one year.  
I would go abroad, if somebody paid my way, and then return.

From interviews, it was found that the main reasons for going abroad were to get experience, learn a language, establish new relationships, and get to know other cultures. Money was also a motivating factor to move abroad, but was deemed by many as an acceptable reason to move abroad for short-term jobs, only:

I have been thinking of going abroad to study, to get experience. I would not like to become some sort of a zealous agricultural hand. Just to learn the language, relations, get an inkling of a different culture.

Estonian and Russian-speaking high school girls gave similar responses in regard to reasons for going overseas and preferences for study over work. However, ethnic Estonian girls seemed to have more experience regarding travel; they had several positive examples from relatives, friends, and acquaintances who had been abroad

or were currently studying or working abroad. They also seemed to view this as a realistic option for them.

Russian-speaking girls, on the other hand, were not as ready to move abroad. The option to study or to work abroad was rather a fantasy or a theoretical possibility that they had not really considered; they also had less experience in this respect. This difference became manifest when possible destination countries were discussed. Estonian high school girls understood the value of being able to speak the local language, while many Russian-speaking girls threw out names of as far-flung exotic places that they could imagine.

In addition to pull factors such as the possibility to study, travel, see the world, and earn money, ethnic Estonian girls mentioned some push factors also. First of all, it seemed to them that there was an over-production of highly educated specialists in Estonia, especially lawyers. Therefore, it was difficult to find a job and salaries were very low. Second, they shared the opinion that a higher level of education was not really appreciated in Estonia:

...all physicians (doctors) beat it ...Estonian hospitals are so small, so many physicians leave, especially those younger than 30, who have a small family.  
The salary is 13 times higher abroad. Why not go for at least a couple of years, to get started. Then you can come back to Estonia, feeling rich.

The three focus group interviews with unemployed young women between 18 and 30 years revealed slightly different results. Studying was not discussed as an option. Many of them already had some experience of working abroad. Only a few of them expressed the view that they were not going to work in a foreign country again.

A cultural subgroup of women in the focus groups, mostly Russian speakers, felt that work for a woman was tolerable only as a temporary solution. They found it acceptable to go abroad for a short period to earn money, and then to either return or stay abroad for good to get married. They also preferred jobs that did not "involve much responsibility". These comments indicate that the cultural perspective among the Russian minority regarding a woman's "acceptable role" contributes to this ethnic minority's potential vulnerability to traffickers.

Another group of unemployed women had young children and were living either with their husbands or their parents. Many were among the group interviewed in Kohtla-Järve, a particularly economically depressed region in Estonia. Unemployed women living with their husbands or parents stated that working abroad was not an option for them. Their main concern was to find money to raise their children and support their families.

Many were convinced that finding a job in their hometown was nearly impossible. A majority of them appeared to have been unemployed for a long time. Although all of them had been thinking about working abroad, the majority did not express this wish clearly. Many also thought that working abroad was very problematic, mostly because of difficult working conditions and long working hours.

The respondents from Kohtla-Järve who were ready to migrate tended to be younger, single (though not necessarily childless), with a higher level of education or prior experience of working abroad. These women belonged to a third subgroup, to which a large majority of ethnic Estonian respondents belonged. Some characteristics of this group were that they were single, had work experience, had been unemployed for a short time, or were looking for a job for the first time after leaving school. Many referred to their positive attitude towards life, knew what kind of work they wanted and was suitable for them, and already knew what they were going to do in the near future. A large majority were also mostly positive about working abroad. A few women rejected the idea, but would find it acceptable provided they earned enough:

*I was in Finland for a month. It was to earn more money for a short-term period compared to whatever job I would get in one summer in Estonia.*

*The only reason to go [abroad] would be to earn more money than in Estonia. I see this as the only reason.*

Young women from this group were similar to high-school graduates in that they considered migration to be an investment in their future to get experience, life experience; to learn languages; experience different cultures; to meet new people—were the phrases most commonly used.

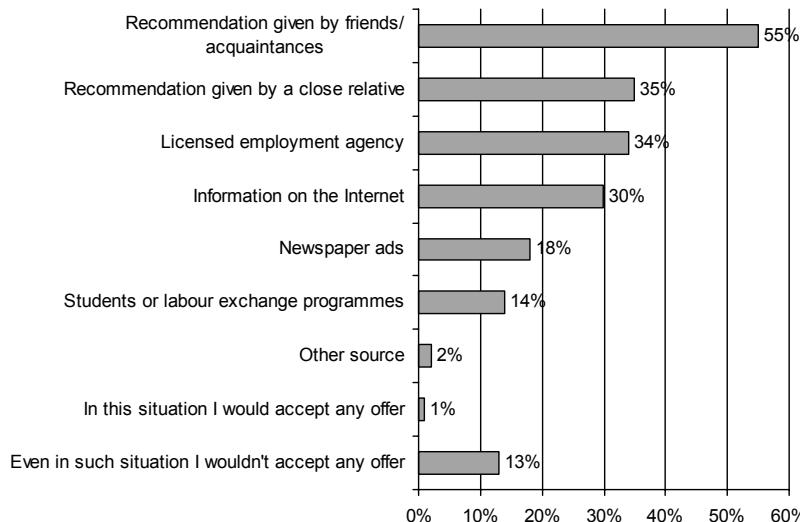
## ***4.3 Obtaining employment abroad***

### **4.3.1 Trusted sources of information**

The next phase of the poll discussed what people would do if they were to decide to take concrete steps towards moving abroad. Three questions were asked: (1) What were the sources of information about working possibilities; (2) How did the availability of information influence people's decisions, and (3) What kind of job were they potentially looking for?

For the majority of respondents, the main source of information was a recommendation from acquaintances or friends (54.9%). Relatives came second (35.2%), followed by agencies (34.2%) and information obtained from the Internet (30.2%). In general, no remarkable differences in the nature of answers between males and females could be observed. Females were a little more interested in international studies and specialized exchange programmes (16.1% compared to 10.8% for males). Information from agencies specializing in moving abroad was relied on as a trustworthy source. Males preferred to rely on their friends' advice and information from the Internet.

Figure 3: Preferred source of information about working abroad



Only 1.4 per cent of respondents in the opinion poll answered that they would accept whatever offer was available. The proportion of people ready to move abroad without any information about their future job was highest in the north-eastern region of Estonia (3.1%). Younger people, however, were not disposed to go abroad without information.

The majority of women from the focus groups said that their sources of information about future job opportunities were friends or acquaintances. Women preferred to travel abroad to destinations where they already knew somebody. In a situation where experiences of migration had been positive, the source had often been a relative, friend, or acquaintance:

*I prefer information from acquaintances who have already been there, if I needed advice they could also say what to do and where to go.*

The focus group participants suggested other sources, such as newspapers or agencies that they would turn to if they were interested in studying abroad. Russian-speaking graduates suggested options such as newspapers, language schools that

would select a host family against payment, or arranged *au-pair* placements. They also mentioned student exchange programmes as a reliable source of information:

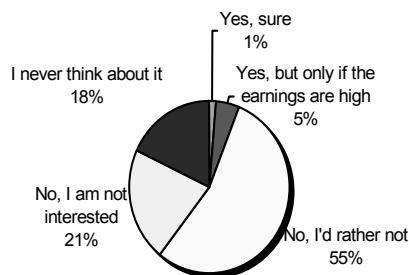
*When I studied at my college, we had various students' programmes: there were brochures distributed containing all relevant information, with the prices for lodging; there was a road map.*

However, some commented that, while information received from acquaintances or friends could be trusted, the reliability of work agencies should be checked:

*It would be wise to learn about the company whose agency you plan to travel through.*

*The address of the company has no significance. In my first year at the college, I wanted to travel to Finland through a company, which had a downtown office address. Then I found out that criminal proceedings had been started against that company. We were the last lucky ones to recover our advance payments from this company.*

Figure 4: Would you accept work abroad even if not entirely informed about the employer and conditions of work?



The majority of respondents (54.4%) stated that they would not assume the challenge of a new job abroad if the information about their prospective employer, the nature of the work, or working conditions were not clear from the outset, and 21.4 per cent would not work abroad in any case. The poll also showed that incomplete information would not be an obstacle for 1.3 per cent of respondents. It was also

interesting to note that 4.8 per cent of respondents were prepared to take risks if the amount of money was high enough.

The responses varied among different regions in Estonia. In northern Estonia (Tallinn excluded), 15 per cent of female respondents answered they would still migrate even if they had not received enough information about their potential employer, the kind of work they were going to do, and the working conditions.<sup>31</sup> The proportion of males from this region ready to migrate (6.2%) was higher than the national average, but considerably lower compared to females. This percentage was also high in north-eastern Estonia, where 12.3 per cent of males and 6.9 per cent of females were ready to accept a job abroad despite the lack of precise information about it.

Some results from the focus group interviews are relevant here. The accounts of the respondents from all five groups did not differ much. Although all preferred to have complete information about the type of work and their potential employer:

*I have two girlfriends who will also finish their final year of High School this year and are making plans for the summer. They registered themselves at an agency for an au-pair job in Switzerland. However, for me there are too many loose ends in this, it does not meet my standards.*

Yes, I did think about it [working abroad]. All was going well, but I backed out in the final stage, because the contract did not specify what type of work I would be doing. I wanted to work within my specialty.

#### **4.3.2 Preferred employment**

In the opinion poll, the next question was the kind of job respondents would like to find abroad. The most popular<sup>32</sup> was that of highly qualified work requiring a university degree.<sup>33</sup> Also popular was agricultural work (13.2%) and baby-sitting (11.1%).

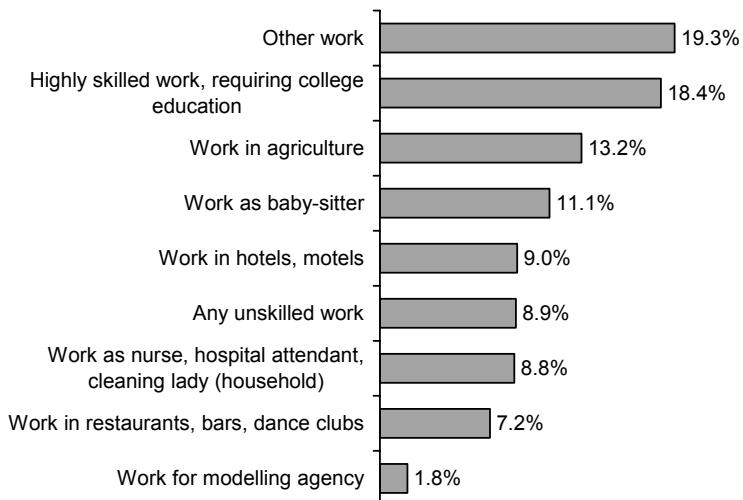
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<sup>31</sup> Here and later, the percentage includes two response categories: "Yes, I'll go for sure", and "Yes, I'll go only if I can earn good money".

<sup>32</sup> The "other work" response is excluded.

<sup>33</sup> 22 per cent of respondents from the sample had a university degree.

Figure 5: Preferred employment in a foreign country



The work preferences differed between females and males. For women, the most popular work was baby-sitting (19.9%), followed by highly skilled work requiring higher education (16.1%), followed by nursing/housekeeping (15.1%). Females were ready to accept work in a hotel (12.6%) and in agriculture (11.8%). Work in restaurants, bars, and dance clubs was also popular (8.3%). Least popular was working for a modelling agency (2.6%). The majority of males preferred highly qualified work (21%) or work in the agricultural sector (14.8%). They were also ready to accept unskilled work (11.9%). Other options were not attractive for males.

Job preferences differed considerably from region to region, reflecting the educational structure of the population. For example, only 6.3 per cent of males from central Estonia, compared to 28.5 per cent from Tallinn, would look for highly qualified work, while the opposite trend was true for agricultural work. Apart from these differences between agricultural and highly qualified work, the answers from males from all regions were more or less similar. The male respondents preferred any kind of unqualified work; some were interested to work in bars, restaurants, hotels, and nightclubs. Such jobs as nursing and baby-sitting were uninteresting to males from all regions of Estonia. Yet for females, the differences were considerable.

It is felt, therefore, that the answers from women from north-eastern and central regions needed special attention here.

The nature of answers from these regions is similar, but poll results from respondents in the north-eastern region were more marked. First of all, only 10.2 per cent of women from this region were ready to look for highly qualified work. The majority stated their preference for baby-sitting (33.9%). Almost as high (31.2%) was the proportion of females ready to choose positions as housekeepers or nurses. Some stated that they found it acceptable to work in hotels and motels (21.7%); however, in the capital Tallinn, this preference was much lower (8.8%). The proportion of those who wanted to work in restaurants, bars, or clubs was higher than any other region (15.3%).

In comparing ethnic Estonians with Russian speakers, it was found that a higher proportion (28.1%) of Russian-speaking males looked for a job requiring qualifications compared to ethnic Estonian males (18.2%). For females the situation was reversed: 18 per cent of ethnic Estonians and 11.5 per cent for Russian-speaking females wanted to find a job requiring qualifications. Russian females often preferred jobs such as baby-sitting, housekeeping, and nursing. Many Russian speakers also commented that they were ready to work in bars and clubs (12%) twice as many as Estonians (6.7%).

Age was also a determining factor that influenced preferences. Working for a model agency was, for instance, attractive for 8.3 per cent of girls between 15 and 19. Of those around 20 years old, nearly one in ten (9.4%) wanted to be a model.

In general, the focus group interviews revealed similar tendencies. Young women either had experience working for a short period of time in agriculture (e.g. picking strawberries in Finland) or working as bartenders or waitresses.

*I worked in a cafeteria in Manchester. I did everything all by myself: cleaned the tables, washed dishes....*

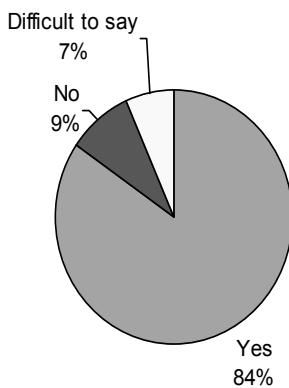
*I have been working abroad. This was a seasonal work. I worked for three weeks and earned 10,000 EEK [approx. US\$ 830].*

When discussing job opportunities for a longer period of time, baby-sitting was often discussed, especially among high-school students.

Although the opinion poll did not contain a question regarding the countries where the respondents would like to work, this topic was discussed in subsequent focus groups. Respondents thought that the U.S. was a place where set goals could be achieved. Finland and Sweden were mentioned mostly as places where, by Estonian standards, large sums of money could be earned quickly. Portugal, Spain, and Ireland were also considered as popular destinations for migration. Some already had experience working in England, and London was mentioned as a "cool" place to go. A job as a waitress in Japan was also on the list of destination countries thought to be interesting or desirable.

#### ***4.4 Respondent's awareness about trafficking in human beings***

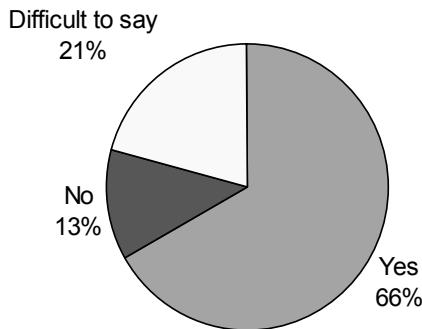
Figure 6: Are you familiar with the term "trafficking in human beings"?



Of all people questioned, the majority (84.6%) knew what the term human trafficking meant. Only 8.7 per cent did not know the meaning, and 6.7 per cent were unsure. . There was little difference between female and male respondents. The highest level of knowledge about trafficking was in northern Estonia (90.4%) and the lowest in the south (81.8%) and north-east (82.2%).

The data showed that there was a relationship between knowledge about trafficking in human beings and the respondent's level of education. People with more basic education were least (74.1%) and highly educated people were most aware (91.8%). When education and sex were considered together, the least informed group were women with basic education, of whom 71.7 per cent knew what trafficking meant. In contrast, women with higher education were the most aware. Nearly everybody (94.4%) in the age bracket 40-49 was familiar with the term. However, among 15 to – 19-year old girls, almost one in four (27%) was unable to explain what trafficking was.

Figure 7: Do you think trafficking occurs in, through and from Estonia?



The respondents were also asked to evaluate whether trafficking in human beings existed in Estonia or not. Two-thirds (66.6%) thought that trafficking to, from and through Estonia existed. More females (68.4%) than males (64.6%) thought so.

Again, the distribution of answers was uneven among the regions. In the north - eastern region, 50.5 per cent of male respondents and 58.2 per cent of female respondents felt that the problem was topical for Estonia. What also characterized this region was the high proportion of uncertain answers: 43.3 per cent of males and 26.9 per cent of females said they were unable to take a position on the issue.

Similar results were obtained from the focus group interview conducted with young unemployed females from the region. The respondents had very little to say about the problem of trafficking and immediately switched the discussion to everyday

problems: lack of job opportunities, high prices, perceived discrimination in Estonia based on ethnicity.

From the focus group interviews it was not clear from which sources the information about trafficking had been received. The only information source mentioned during the discussion was a programme aired on Russian television.

## **4.5 Risks of being trafficked for sexual exploitation**

### **4.5.1 Who is at risk?**

The opinion poll contained questions concerning trafficking in women for the purpose of sexual exploitation. Firstly, respondents were asked to give an estimate as to whether Estonian girls and women involved in prostitution abroad were tricked or forced into prostitution.

The majority of the respondents thought that few girls and women were engaged in prostitution of their own free will (44.7% shared this opinion) and that many girls and women were tricked into prostitution (44.2%). The dominant opinion was that a small number of girls and women were actually forced into prostitution. This opinion was shared by 44.4 per cent of respondents. For almost half of the respondents, it was difficult to say anything about forced prostitution and its extent.

Table 2: In your opinion, how many Estonian women/girls are prostitutes abroad? Why do they engage in prostitution?

	Personal decision	Tricked	Use of force
A great deal	5.2	8.8	2.2
Many	29.3	44.2	6.5
Few	44.7	29.3	44.4
Difficult to say	20.9	17.7	46.9

Focus groups provided a forum for women to expand on these issues. Participants discussed what type of woman could potentially be tricked into prostitution abroad. In every group, there was a general consensus and awareness that everyone could be tricked. The group commented that, in order to avoid falling into a trap, one should be

alert and do a lot of preparatory work. Some in the discussion group mentioned that they believed there was a category of women, especially those who were younger, who were more naïve in accepting different sorts of "attractive" offers. There was a certain category of jobs that implied some sort of sexual involvement, and some members of the discussion group commented that naïve girls who did not understand this, given the job title, were particularly vulnerable.

Women in the ethnic unemployed Estonian sub-group also strongly associated skin colour with the terms trafficking and slavery. Many envisaged a stereotype image of slaves originating from Africa or a trafficked person from East Asia. It was more difficult for these women to picture a European individual in a situation of enslavement.

The widely spread image of a prostitute in Estonia is often that of a woman from the Russian-speaking minority. This point of view, bordering on discrimination, emerged in the adult focus group discussions:

*I think the reason there is so much prostitution in Estonia, is that they cannot do anything else. But, in fact, the majority of them are Russians who cannot speak Estonian. For that reason they cannot find another job. They can speak Estonian to some extent, but not well enough to find a job with some firm.*

*I think also that Estonia is a mediating country rather than country that produces this kind of girls. I do not think there are many of us who do this job. A very low percentage, if at all.*

These two comments were expressed during the interviews with ethnic Estonian women. The interviews with Russian-speaking women did not reveal any ethnic stereotypes. It should be noted here that these stereotypes are highly influenced by mass media accounts of the prostitution problem rather than the women's personal contact with it. The stereotype is so strong that it remained unchanged even after an Estonian lady told a story about her friend who went to Holland to engage in prostitution.

Situations in which a girl/woman is forced into prostitution were also discussed. What arose from the discussion was that "force" was not necessarily physical violence, but rather social conditions that left women no other choices. The interviewed women

mentioned that becoming involved in prostitution could happen even to girls who originally had no intention of becoming involved.

*Even if the girl arrives hoping for other work, not striptease, she will be ‘processed’, her willpower will be eroded (and she will eventually end up as a prostitute).*

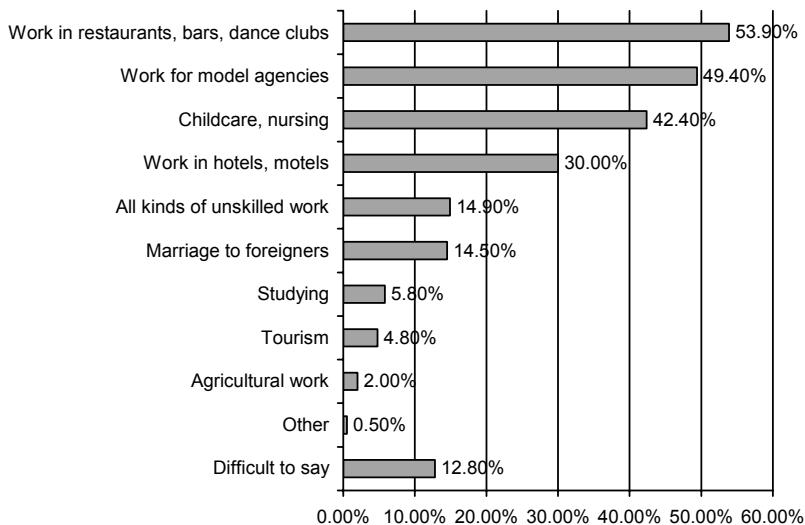
However, this topic was not discussed in detail and, in the end, the group drew the conclusion that the women and girls themselves were responsible as they were taking an unnecessary risk.

In collating the results of the focus group, discussions about potential victims of trafficking revealed that participants held an image of victims as naïve young girls, poor people from Africa and Asia, and refugees. The understanding that everybody could become a victim was a rather general one, not supported by explanations or examples.

#### **4.5.2 What types of employment are the most risky?**

There are certain jobs that should be considered more carefully than others. The opinion poll data showed that jobs in restaurants, bars and dance clubs were mostly ill reputed. In total, 53.9 per cent of respondents named this area as the one most often used to force girls into prostitution. Offers to join modelling agencies (49.4%), to do baby-sitting work (42.4%) and to work in hotels were also considered dubious. It was considered that the least risk to become a victim of trafficking for sexual exploitation lay in the area of agricultural work. Again, opinions varied from region to region. Working in restaurants, bars and clubs seemed to be potentially dangerous to 71.9 per cent of the population in the north-eastern region. In western Estonia, only 41.8 per cent of the respondents thought these jobs were dangerous. In south Estonia, *au-pair* positions were associated with the highest risk (58.2%) while in the north-eastern region they were not considered unsafe (3.7%).

Figure 8: Deceptive offers most frequently used by traffickers according to the opinion poll



Focus group participants mentioned some examples of potentially dangerous jobs: waitresses, child-care activities, modelling, working in a massage parlour, and dancing.

In focus groups, the problem of working requirements and salaries was also discussed. According to some women, advertisements where big money was promised and the most desirable qualification was being a young woman (i.e. where no education, language skills, and previous work experience was required) were highly suspicious.

#### **4.6 Knowledge of family or friends involved in prostitution abroad**

The opinion poll contained a question about whether respondents knew anybody who had engaged in prostitution abroad. Of all respondents questioned, 0.6 per cent said that their friend had gone abroad and engaged in prostitution (six cases) and 4.9 per

cent (49 cases) replied that their colleague, acquaintance, or neighbour had. These cases were reported more often by women (7.4%) than by men (3.4%).

The lowest number of contacts with people who had provided sex services abroad was reported by respondents from the central region (1.4%, one case) and the northern region (3.3%, five cases). The highest was reported from western (9.1%, 11 cases) and north-eastern Estonia (8.5%, 11 cases). Those between the ages of 20 and 29 years had the highest level of contact with individuals who had been involved in prostitution abroad (12.8%, 23 cases). This group was followed by the 40 to 49-year age group (8.6%, 16 cases). The percentage was similarly high among younger respondents (6.8%, seven cases).

The educational dimension did not reveal any interesting findings. Knowledge of someone who had been involved in prostitution abroad was spread almost equally among all educational categories: 4 per cent of respondents with basic education, 6.4 per cent with secondary or vocational school education, and 4.3 per cent of respondents with university degrees knew somebody who had moved abroad to become a prostitute.

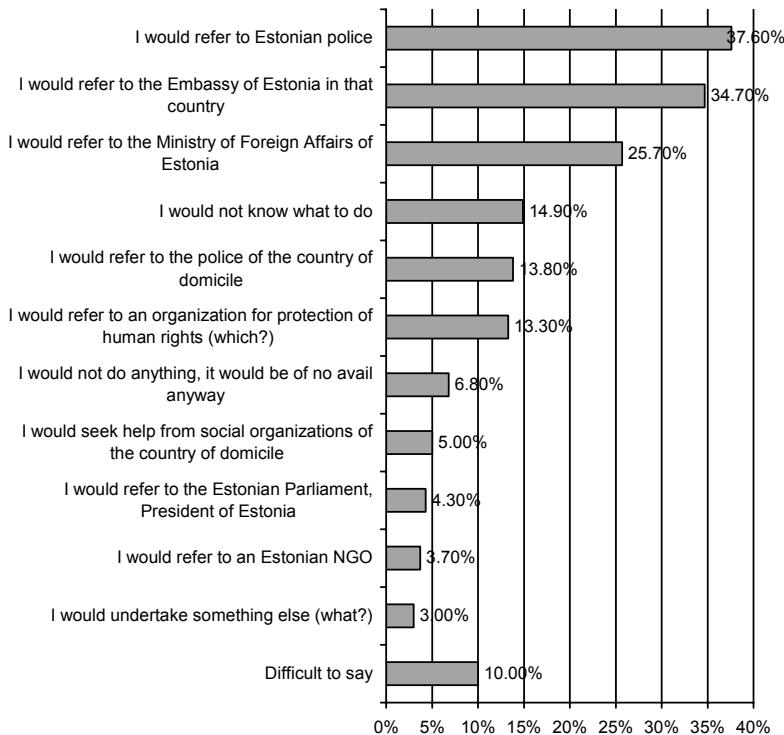
Dividing respondents into groups according to the average monthly income per family member does not disclose any strong relationship between contact with prostitution and income, although respondents with high incomes (4,000 EEK or US\$ 333 and more per household member) had the least number of acquaintances or friends involved in prostitution (2.8%). Respondents whose income was lower than 1,000 EEK (US\$ 83) per month (7.8%) and respondents with income between 3,000 EEK (US\$ 250) and 4,000 EEK (US\$ 333) per month (7.8%) had the highest level of contact.

The data showed no difference between ethnic Estonians and respondents from the Russian-speaking minority, contrary to the stereotypes. Of all the ethnic Estonian respondents, 5.4 per cent answered that they knew somebody involved in prostitution abroad. The number was nearly the same for Russian-speaking respondents: 5.8 per cent.

#### **4.7 Assisting trafficking victims: Respondents' views**

The last section of the poll concerned whether assistance should be provided for victims of trafficking and who should be responsible for this. The respondents were asked what they would do if somebody close to them were to become a trafficking victim. They were also asked which institution, in their opinion, people should seek help from if faced with such a problem. In regard to the latter question, 37.6 per cent of the respondents would contact the Estonian police first. The second most popular option would be to use the help of the Estonian Embassy in the country the girl was thought to have been trafficked to (34.7%). The Estonian Ministry of Foreign Affairs (25.7%) was placed third, while other institutions were considered less able to give support or provide help on the matter. The results varied slightly between male and female respondents. Males tended to trust the Estonian police more, while women opted to contact an Estonian Embassy first. Other socio-demographic dimensions did not reveal remarkable difference between the groups.

Figure 9: What would you do if you found out that your close friend or relative had been forced into prostitution in a foreign country?



The results corresponded with the women's comments during the focus groups when asked what they would do to help a relative or close friend in a trafficking situation.

*I would call the firm that sent her there. I would involve all people I know. Actually, I would not recommend [that she] go there (in the first place).*

*[To help her] The only thing I could do is to go there, on condition that there is your country's Embassy. One needs big money for this.. One should go to the police."*

However, when explicitly asked whether a woman who was a trafficking victim should go to the police. The reply was:

*Only if you know somebody there.*

*My acquaintance did so when her husband went missing. They told her: come in three days, maybe he's just having an affair somewhere. But what if he was not alive any more! They just do not want to deal with it.*

*The Estonian police? They would not investigate anything [abroad]. They do not have rights there. It is in the jurisdiction of the local police and local laws.*

Two things arose from the discussion groups. The first was that women had little confidence in the police. Second, some women were aware that the Estonian police do not have jurisdiction outside Estonian borders and therefore are often limited in their ability to exercise power. In all focus groups, an Estonian Embassy in a destination country was considered to be the right institution to go for assistance.

#### **4.8 Prevention of trafficking: Respondents' suggestions**

The results of the quantitative study revealed that, regarding methods to prevent trafficking in human beings for sexual exploitation, a large number of respondents believed that information should be provided about where one could report cases relating to trafficking, and what to do in a trafficking case (46.6%). Almost as many thought that more information was needed about trafficking in general (45.4%).

Respondents also commented that information about legal possibilities to get work abroad would be useful (35.3%). Many people commented that penalties for convicted traffickers should be more severe (39.9%) and that actual penal sanctions should be applied against procurers, as the potential threat of legal sanction is not enough to prevent trafficking (32.2%). 19.3 per cent agreed that educational and moral standards should be raised in Estonia. Many also shared the opinion that if the economic situation did not improve in Estonia, measures to combat trafficking in persons would not help (18.4%). The list of possible measures also included options for the prevention of trafficking, including punishing women engaged in prostitution and/or punishing clients because they create the demand for prostitution. Neither the idea of punishing prostitutes (6.8%) nor of punishing those who pay for sex services (6.8%) received much support as a possible measure to combat trafficking. The poll did not take into account the situation of the Estonian market, which had changed after EU enlargement in May 2004.

In focus group interviews, other options were also discussed. Without any directions from the discussion group leader/interviewer, all participants suggested an approach not included in the list of possible answers during the quantitative study, namely the important role of employment agencies. Women in discussion groups commented that one of the most effective measures to prevent human trafficking was through state regulation of these firms. In the discussion groups, women stated that employment agencies should be registered, the legality of their activities checked, and that they should be responsible for the facilitated employment opportunities. The respondents also noted that, in order to introduce such measures, a significant financial investment would need to be made.

It was stressed in several groups that the state should become more involved in the protection of women, and that the main responsibility for preventing trafficking and for assisting victims should rest with the state. Women noted in discussion groups that it was also the responsibility of the state to improve the economic situation in Estonia so that citizens would not need to look for jobs abroad.

#### ***4.9 Delinquent girls as a high-risk group to becoming victims of trafficking for sexual exploitation***

The aim of this part of the project was to obtain information on the extent of the involvement of the residents of a special school for "delinquent girls" in trafficking and prostitution in the past, and to assess their future risk of becoming trafficking victims.<sup>34</sup>

The special institution was chosen because girls and young women with deviant behaviour and different kinds of personality problems potentially form a risk group to become victims of trafficking for sexual exploitation, and the authors wanted to

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<sup>34</sup> "Delinquent girls" attending this special school in Estonia are aged between ten and 17 and had broken the rules prescribed by age, such as obligations to attend school, live at home, be supervised by parents or other adult tutors, etc. The most frequent reasons for assigning the girls to this special school are vagabondage, drug and alcohol use, truancy, petty theft, and sometimes more serious offences. The residents at this special school are under 24-hour supervision and are obliged to follow the educational programme at the institution. The institution is a type of reformatory school for girls younger than 18 years of age who have been directed by a Juvenile Commission with court permission.

analyse this assumption. Another aim was to gather information about the attitudes of residents toward trafficking and their future plans to assess the real risks of becoming to a victim in the future.

The data were collected during individual and group interviews at the school with pedagogical staff members and residents, in November 2004. Due to the sensitive nature of the topic, interviews began with staff members. Three group discussions were held with residents at the school. The groups varied in size and language.<sup>35</sup> Practically all residents were engaged in research. The first group consisted of 18 residents and was the largest one. The class teacher was also present during the discussion. In the second group 11 girls participated from the Estonian language class for Russian-speaking girls. In the third group, 11 ethnic Estonian girls from the eighth form participated. Interviews with these two groups were held without teachers. The respondents in all groups were aged between 14 and 17.

In addition to the group discussions, individual interviews were also conducted. The interviewees can be grouped into three categories. The first category were those respondents who wished to share something important, but were not ready to tell their secret. They were reserved and did not want to talk about the topic of trafficking or about other topics. The second category of interviewees had no topics they wanted to keep secret. They just wanted to continue the discussion on an interesting topic and were willing to talk about any subject. Finally, the third category included those who had deep problems and used the opportunity to talk to somebody about them. These girls did not wait for the questions to be posed and usually started discussing trafficking topics themselves.

#### **4.9.1 Experience of being a victim of sexual exploitation**

Interviews with the staff members, group discussions and especially individual interviews with "delinquent girls" revealed valuable information about residents' prior experience of being victim of sexual abuse and exploitation. Sexual abuse is a very sensitive issue and the girls usually feel uncomfortable talking about it. Despite this, some of the staff members have quite reliable information about the extent of involvement of their residents in areas such as pornography and provision of sexual services. There were some girls who had previously offered their sexual services in

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<sup>35</sup> The special school under study works in Estonian and Russian languages.

exchange for money. According to an educator, two girls of her group were drug addicts who earned money that way in order to be able to buy drugs.

A considerable proportion of "delinquent girls" had some experience with sexual abuse and exploitation. Several of them had friends who had been involved in prostitution. These stories often demonstrate the ways women become victims of sexual exploitation. Below are five cases from individual interviews with the girls.

Case 1: A girl told a story about her best friend. This friend had an older boyfriend who first sexually used her and later sold her to other men. The narrator recounted quite detailed information of an exact place where her friend worked in Tallinn.

Case 2: A girl informed the interviewer about her friend, who was 16. The friend became a prostitute, stopped attending school and started using alcohol.

*I told her, "you have to stop this activity, it will spoil you." But she answered, "It is too late, I cannot live as (I did) before." And now I think she is not my best friend any more.*

Similarly, another girl reported on her young friend who was a prostitute. In these reports the respondents condemned the prostitution of their close friends. They mentioned drug abuse as the main contributor to the risk of falling into prostitution.

Case 3: The third girl gave detailed information about being raped and her fear of the offender who repeatedly battered her and threatened her if she were to report him to the police. She was a neglected child with a difficult family background. She was often hanging out with other children in parks at night, where there were also other kinds of dubious people. The girl also told the interviewer about her drug abuse and about her friends who were involved in prostitution to get money for drugs. She reported about a pimp, a man who drives those 13 to 14 year-old girls in his car and the girls serve the customers in the same car.

Case 4: The fourth girl told about her early childhood and her older sister who was a prostitute, who served clients in the same room where she, as a ten year-old child, slept. The girl said how sorry she was for her sister, and how angry she was with her.

Now her sister is an adult woman with three children. She did not know if her sister was still involved in prostitution.

Case 5: This girl spoke about her abusive stepfather. Not only did he molest her, but he also beat her. The situation was so bad that she could not and would not stay at home any more. At the same time she could not remember how many stepfathers she had had, or which of these had been the most awful. The girl described her mother as a very friendly woman who would never believe the girl's complaints and who always took her partner's side. Eventually, the girl had become acquainted with a nice man who asked her to join him and other girls on their trip to Spain. About ten other girls were expected to be in that group. The girl knew what kind of activity she would be engaged in if she went to Spain, but she agreed anyway. She saw nothing bad in this type of work. She was the only respondent who openly accepted sexual services as a way to earn money. However she did not go to Spain, because she was sent to a special school by a Juvenile Commission.

From these interviews with both teachers and girls some important points emerged. First, it became clear that some of the girls at the school had been victims of sexual exploitation. Most girls also had a history of domestic violence and sexual abuse. Many girls at the school needed special attention and counselling, but that the current personnel are unable to provide.

Second, the girls' attitudes towards involvement in the sex industry and the anecdotal evidence provided by the girls should be viewed with caution. Although the girls did not express a desire to work abroad, this was partly due to the fact that many had not given serious thought to their future or job prospects. Many hoped that others would help them in planning their future. Wishes for the future were very general, such as hopes that they would be happy and have fun.

#### **4.9.2 Risks of becoming a victim of sexual exploitation**

These examples demonstrate that some of the residents had already been victims of trafficking and sexual exploitation. However, their most important problem was domestic violence and sexual abuse. Talking about such cases, the educators from the special school also discussed the disarray of the sexual life in the residents' own families:

*Most of them are from a problematic family background. Parents are alcoholics and they don't care if their children are present when they have sex. One of my girls told me once: "My father embraced me, he thought I am mother." I don't know how far the thing went, but it was not a problem for the girl. She laughed. It seems her father was so drunk that he couldn't tell the difference between his wife and daughter.*

In cases where respondent had problematic family background, parents can even "benefit" from their daughter being exploited sexually. As an educator recalled:

*One girl in my group says that she has a very good friend, who buys her everything and gives money, but wants nothing for this. He is just a good man. I don't know if he really is just a good man, or maybe he also wants something more from this girl, but she doesn't want to tell me. Even her mother was proud of her daughter: "you see, now we have so much food and other stuff thanks to this good man."*

The environment in which many of the girls have grown up has an effect on their behaviour. Some of the educators talked about the girls' unrestrained sexual activity in their group during their time when they had been vagrants. Vagrancy was one of the most common reasons to be sent to the school.

*They sleep with different boys and men. It is not prostitution in the exact meaning of the word, because they get no money for sex, it is just an insalubrious lifestyle.*

Many educators believed the girls have complex problems regarding sex: their sexuality, former sexual abuse and neglect at home, and the girls' lack of sexual education. Due to a combination of these factors, some educators believed that many of the residents at the school were in grave danger of becoming exploited sexually. In

discussions with the educators about the definition of trafficking, many revealed a negative attitude to prostitution and other kind of sex business and believed that girls who were involved in the sex industry had been forced to.

The girls with previous experience of sexual exploitation demonstrated a good awareness about trafficking and what to do to avoid becoming a victim. In fact, the girls from the school who seemed to be the least aware of issues concerning trafficking were also those who made the most categorical denunciations of prostitution. They made statements such as that they would rather kill themselves than be prostitutes; they hated prostitution and prostitutes because it was dirty work.

An important point that emerged from these discussions was that these girls distrusted any authorities and the police. The girls thought that when in trouble, they could only trust close friends or relatives (e.g. sisters). Police or other official authorities were the least trusted. In regard to the question about why a trafficking victim may be reluctant to tell others, the girls stated that the victim might have unpleasant memories, fear of the offender, or the fear that he/she will not be believed. Curiously, it turned out later that those girls who had been victims themselves stated that their principal fear was fear of the offender, and their secondary fear was that they would not be believed:

*You can never trust the police. If you have some problem, somebody hears you telling the police about that, you can get blamed and in the end you by yourself are guilty if you were raped or something else happened to you.*

All it means is that if the girls were ever in a dangerous situation and were to require help, they would most likely not receive it.

While girls avoid to ask for help from the authorities, there is also little effort to provide help from that side. Concerning the question of where the staff members get information about residents' victimization, the educators claimed avoiding asking very intimate questions about the residents, because they were afraid to form personal relations with the girls.

*We suggest that the girls should not give anyone too intimate information, because it could be used against them. Maybe that's why they don't tell such things to us.*

*"But, on the other hand, I, for example, don't want to have such intimate information about my girls, because I don't know what to do with it.*

From the conversation with staff of the special school it became obvious that the educators have and use no special methods for dealing with the girls, considering that some of them had been trafficking victims or victims of sexual abuse. The educators referred to a negative experience when a girl became too close to an educator and the latter did not know how to disentangle herself from the girl. Generally, educators prefer to keep a distance from the girls, which may result from a lack of adequate training in this area. At the same time, this is a major problem because many girls are neglected by their parents and have nobody who cares about them. Many girls often turn to their teachers in order to try to build a trusting relationship with an adult.

The educators had a pessimistic outlook in discussions about trafficking or in regard to the girls' future:

*There are no workplaces for our girls; they are not welcome in ordinary schools if they want to continue their study. And most of them are pretty, and they have no other choices.*

*One of our girls [former pupil] sent us a letter where she wrote that she was well and sent a photo. There was a large bed in an empty room on that photo and she was lying on the bed and smiled sweetly. I don't know exactly, but this photo was very strange.*

The educators thought that all their girls needed sexual education and education to build self-esteem. The staff alone was unable to fulfil this need. Staff members expressed their expectations and hopes that society should do something more for the integration of such girls; particularly in the provision of working and studying opportunities.

In sum, there is no sense in isolating or secluding trafficking victims even with the aim of helping them, such as the situation of this particular special school, which is a closed institution with its own special rules and internal hierarchy. All the residents needed work related to their own personal development in order to be prepared for life after school. Victim assistance should be handled very carefully, taking into account a large number of external and internal factors.

The police and other authorities must change their attitude towards delinquent girls and start to treat them as victims, and persons who need help and attention. It is extremely important that these girls start to see that authorities and state institutions exist also to protect them. Schools, the police and child protection services, such as the Juvenile Commission, should always act in the best interests of children and actively try to establish a trusting relationship with them.

Lastly, society at large should change its attitudes towards victims of trafficking by being more accepting of victims and taking on the responsibility to provide help and reintegration support.

## **5 Chapter Five: Presentation of Trafficking for Sexual Exploitation in the Estonian Media from 2001 to 2004**

### ***5.1 A change in the media portrayal of Estonian prostitution and trafficking for the purpose of sexual exploitation***

The independent Estonian media has come a long way since the first articles on sexual business were published in 1991. The analysis of articles published between May 2000 and May 2001 indicated a *laissez-faire* attitude towards prostitution (Saar and Annist et al., 2001: 155-200). Many articles depicted prostitution as a testimony to free-market opportunities. An analysis of Internet versions of the three main Estonian daily newspapers, and of a number of weekly and monthly publications published between June 2001 and November 2004, indicates that the media perspective is starting to change dramatically. The topic of prostitution is now dominated by themes of human trafficking, poverty and inequality. The aim of this section is to concentrate on the change in discourse of the Estonian media in recent years in the treatment of these two issues, and the problems that remain.

The researchers' earlier work revealed that, from 2000 to 2001, the Estonian media presented Estonian prostitutes who migrated as somehow special and even admirable in their ambition and capacities when compared to prostitutes from southern Europe or Russia. While the latter were thought to be involved in prostitution because they were less educated and socio-economically disadvantaged, and as a result were "rapaciously exploited", prostitutes from Estonia were often presented as determined and successful (Saar and Annist et al., 2001: 155-200).

However, the current study indicates that, in the last few years, such pride has been replaced by the recognition that Estonian migrating prostitutes are not uniquely driven by ambition and success or untouched by violence and poverty. Currently, the media emphasizes international cooperation in combating trafficking and Estonia's becoming a destination for sex tourism. The Estonian media has started to recognize that Estonian prostitution follows the same pattern as the rest of eastern Europe and

is not somehow more "Western" than prostitution in the rest of the former USSR. This evolution of perception certainly applies to more than just prostitution, as Estonian pride in its economic and political success has been increasingly criticized in general.

As a general tendency, articles publishing the points of view of traffickers, occasionally published over the period of 2000 to 2001, have completely disappeared from the media, as have feature articles on individual prostitutes or trafficking victims. Instead, the scene has been dominated by the viewpoints of anti-prostitution campaigners, campaigners for the criminalization of the buying of sex services, analysts, the police, and journalists. This change in substance has contributed to a change in the trafficking discourse, leading to a new socio-analytical view of the trafficking in persons and prostitution debate.

Many of the articles describe the unacceptable working conditions into which women have been tricked. Pimps are now presented as extremely violent and as playing a central role in the lives of the prostitutes. Some of the articles, mostly by an Estonian analyst based in Finland, draw their moral stance from recent changes in Swedish law, stating that prostitution is always an abuse and denial of human rights:

*It is cynical to consider selling your body as 'work' when half of the 'workers' are the victims of abuse from their employers.*<sup>36</sup>

One of the principal fears is that Estonia is becoming a destination for sex tourism. This has been exemplified in criticisms regarding plans to present Estonia as "a country of beautiful women" in Eurovision advertisements. Politicians and campaigners lament this public attitude, denouncing the vision of Estonia as a country of beautiful women as "state procuring."<sup>37</sup> They also declare that public opinion continues to be the main reason for the difficulties in introducing new laws that would criminalize the buying of sex services:

*If we continue with the same kind of indifference, Estonia is in danger of becoming a new Thailand.*<sup>38</sup>

*...by now Estonia has acquired the image of a cheap sex destination in the eyes of the world.*<sup>39</sup>

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<sup>36</sup> Eesti Päevaleht, 2002.

<sup>37</sup> Anne, 2003.

<sup>38</sup> Postimees, 2002.

As mentioned earlier, one of the distinguishing features of the new discourse is the link presented by the media between poverty, exploitation, prostitution and trafficking. The dominant feature of the new discourse is its presentation of prostitutes as people who come from a background of poverty and abuse, are unemployed and marginalized to the extent that it is difficult to escape from their situation. In analysing Estonia's situation, socio-economically disadvantaged areas, such as north-eastern Estonia, are seen as particularly vulnerable.

*Actually, prostitution and human trafficking are painful problems because of the world's economic and social system that has created such a huge gap between the people. Prostitution derives from poverty, and nothing else.<sup>40</sup>*

*Sale of women and prostitution are both messages of poverty and gender inequality. [...] The criminals try to profit from unemployment, poverty and desire for adventure.<sup>41</sup>*

Indeed, gender inequality is presented in the media as the second most important factor in creating conditions for prostitution and trafficking:

*[Prostitution represents] backwardly patriarchal gender roles where a woman is the property of a man.<sup>42</sup>*

*Women are the greatest victims in the world. [...] Women are an easy prey in human trafficking as many of them lack personal security, economic opportunities or assets and land.<sup>43</sup>*

The direction that the new discourse has taken is also reflected in the way that prostitutes are portrayed. Calls for sympathy and understanding for victims of sexual exploitation further strengthen the new trend in the media, whereby prostitutes are now portrayed as passive victims pushed into the shady dealings of international crime, incapable of escaping, unprotected by the law. The derogatory expressions that tended to characterize portrayals in the media three years ago have now mostly disappeared, replaced by articles presenting prostitutes as victims, and society as partly responsible for their victimization. However, the Estonian media continues to present Estonia as having self-image problems in the eyes of the international

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<sup>39</sup> Eesti Päevaleht, 2003.

<sup>40</sup> SL Öhtuleht, 2002.

<sup>41</sup> Postimees, 2003.

<sup>42</sup> Postimees, 2002.

<sup>43</sup> Postimees, 2002.

community, rather than presenting the stories of victims of prostitution or human trafficking.

The Estonian police remains the most frequently quoted source, insisting that women who end up in trafficking schemes are mostly aware that they will be performing sex services. This makes the work of the police more difficult in terms of gaining the trust of trafficking victims and those seeking to help them.

Credit continues to be given to clever schemes in which Estonian mafia organizations are thought to be involved:

*Human trade scheme is based on a very clever scheme – women are brought to Ireland entirely officially to learn the language, they do learn it for a bit and then are sent to work in strip-tease clubs and brothels all over the country.<sup>44</sup>*

The foreign media available in Estonia is seen to have portrayed the issue of prostitution in a clearer light. A Finnish documentary was described as filling “the increasing (information) gap, because there is no investigative journalism in Estonia and certain kinds of social issues are covered only by tabloids.”<sup>45</sup> Compared to the international media coverage of trafficking, it seems that Estonia is unable to face the societal issue of trafficking in persons, at least in terms of media coverage. This may be a factor that exacerbates the impression that many Estonian citizens have a negative international self-image.

Interestingly, police from abroad have dismissed the role of Estonian criminals in human trafficking schemes:

*We do not know how to comment why the Irish [police] link this scheme to Estonian criminal groupings [...] but I can certainly say that to talk about Estonian ‘mafia-like’ groups or in general about Estonians’ great involvement in this human trade is clearly an exaggeration.<sup>46</sup>*

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<sup>44</sup> Postimees, 2003.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

## **5.2 Hurdles to counter-trafficking efforts identified by the media**

One problem continues to be the conflation of human trafficking and prostitution, partly due to terminological problems. The Estonian term, *inimkauplemine* (literally, 'trade in humans'), which is used as the equivalent for human trafficking, does not include the element of transfer or movement and thus could also extend to prostitution in general within Estonia. The close connection between the two concepts has been an impediment to counter-trafficking measures, as both the general public and legislation continue to conflate the two. In some cases, women who are trafficked for sexual exploitation may not receive adequate assistance or legal protection, as they are seen merely as prostitutes.

This conflation of terms partially explains the "false prism", as identified by Estonia's own analysts and specialists, through which trafficking is perceived in the country. There are various false lenses obscuring the nature of the problem. A well known campaign coordinator commented that, in response to the trafficking problem, "there is even talk of legalizing prostitution, driven by (a) hunger for (increased) tax revenue."<sup>47</sup> In subsequent interviews, the same specialist also revealed that, for many Estonians, the problem is considered to be one affecting only Russian-speakers and "something that normal people never get involved in".<sup>48</sup> Through interviews, the specialist identifies the public's inability to recognize the violence and threats faced by people involved in trafficking. In other words, Estonia has been living in a false reality when it comes to the harsh truth about the sexual exploitation. The researchers' efforts to gauge public awareness confirmed the existence of this distortion of the reality perceived through the false prism.

However, the problems identified are not only related to public opinion and attitudes. Many media articles mention a lack of resources in dealing with trafficking. In addition, the lack of regulation of the labour market, specifically employment agencies that act as mediators for employment abroad, are thought to be part of the

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<sup>47</sup>Ibid.

<sup>48</sup>Ibid.

problem. Human trafficking is facilitated by a lack of police attention, false passports, and a flexible visa system.<sup>49</sup>

The media suggest that the Estonian police do not regard trafficking for sexual exploitation as a high priority. In addition, when good police work is achieved, the legal system is often unable to follow up. As a result, many exploiters “walk out of the courtroom, hands in their pockets”.<sup>50</sup> Articles also state that most traffickers know the system well and get the lightest punishments.<sup>51</sup> The following is an example within the context of corruption:

*Why is it so difficult to fight trafficking? Because there are so many high officials, policemen and border-guards who can be bribed...<sup>52</sup>*

This view was reinforced by an article relating to the suspicion that the Estonian Security Police were trying to cover up a sex trafficking case.<sup>53</sup>

### **5.3 Counter-trafficking measures proposed and debated in the media**

Three main solutions proposed in the media to tackle the problems of trafficking emerged from the analysis of articles: changing the legal bases of sanctions (by following the Swedish example and criminalizing the buying of sex services); tightening existing laws to protect Estonians from being deceived by false job advertisements, and raising public awareness to the dangers of trafficking. Legalizing prostitution has been criticized mostly by anti-prostitution campaigners, and campaigners to criminalize the buying of sex services. This debate dominated the media discourse during the period studied. The criticism feeds into the international shame described earlier, as other, more developed countries such as Sweden and Finland have dealt with prostitution in their own way, not addressing the needs of

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<sup>49</sup> Ibid. 2002.

<sup>50</sup> Eesti Ekspress, 2003.

<sup>51</sup> Eesti Ekspress, 2004.

<sup>52</sup> Õpetajate Leht, 2003.

<sup>53</sup> Eesti Ekspress, 2004.

their Baltic neighbours. Many articles express the fear that Estonia will assuredly become a destination for sex tourism if it does not follow the same path:

*Finns are law abiding citizens and, when purchasing the service becomes prohibited there and allowed in Estonia, it is a signal to come to Estonia.*<sup>54</sup>

Since poverty and inequality are increasingly described as the primary causes of trafficking for the purpose of sexual exploitation, alleviating poverty is naturally proposed as necessary to tackle this problem. However, such solutions are raised mostly by articles of campaigners alongside their strong criticisms of the social situation in Estonia, and do not suggest specific measures to be taken.

Awareness-raising campaigns are seen as the only concrete measure to deal with the problem: young women need to be sensitized to the dangers of working abroad, and men need to be made aware of the implications of buying sexual services.

Many articles offered practical advice on working abroad. These articles assumed that people who became trafficking victims were, in fact, unaware of what they were getting involved in, often trusting acquaintances or even loved ones, who then lured them into situations where they were sexually exploited.

The desire to work abroad was not condemned, but described as implying potential dangers for those not fully prepared. Some articles warned that traffickers often had a convincing façade of being nice and decent people.

To conclude, the discourse used in media representations of prostitution and trafficking in Estonia has undergone considerable change in the last few years, and has started to concentrate on sociological factors, such as poverty and gender inequality, that increase the likelihood of being trafficked. Increasing international concern over human trafficking could be seen to be one of the main reasons for the change in the discourse in the Estonian media. Within this new discourse, there is a shift in the way prostitutes are presented in articles, and links are made between poverty, gender inequality, exploitation, prostitution and trafficking, leading to the

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<sup>54</sup> Eesti Päevaleht, 2003.

development of an image of prostitutes as victims. However, the media still fails to present detailed accounts of the victims themselves.

Finally, the new discourse has a considerable emphasis on raising awareness among people who could be at risk. Though awareness raising is a powerful tool, it is not a panacea for this problem. A comprehensive understanding and practical solutions to trafficking in persons for the purpose of sexual exploitation are still needed. This will require a comprehensive approach where the media can play only one of many other necessary roles.

## ***Conclusions: Trafficking of human beings for sexual exploitation in Estonia***

Local and cross-border trafficking instances are closely linked, and women who are sexually exploited in Estonia also make up the potential contingent of the victims of international trafficking in women. Available information, however, does not allow even a rough estimate of how many women active in the sex industry in Estonia are also victims of trafficking in persons. The problem is certainly important and, due to the continuing expansion of the sex business and the increasing mobility, it calls for increased governmental attention. Even though Estonia has not become a destination country for trafficking in persons, it is possible that with the growth in living standards and the demand for commercial sex, this could happen in the future.

The fact that a certain number of women are trafficked from Estonia for the purpose of sexual exploitation is undisputed. The differences between various estimates may partly be due to a conceptual problem related to the difference between trafficking and other kinds of sexual exploitation. By applying a stricter conceptual and methodological framework, this investigation found that the number of reported victims trafficked from Estonia for sexual exploitation during the period 2001 to 2004 may amount to around 100 persons. This estimate was based on evidence drawn from Estonian Police Board statistics that list convictions of offences committed under the Estonian Penal Code. However, it should be stated once again that this figure may not reveal the full extent of trafficking for sexual exploitation from Estonia, since human trafficking is by its very nature an extremely underreported crime, and the fact that inadequate legislation related to trafficking in Estonia may mask trafficking cases, and the inadequate collection of statistics related to trafficking. All of these reasons inevitably lead to disagreements regarding the extent of trafficking.

Currently, there is no uniform understanding about trafficking in persons among the different Estonian state institutions, giving rise to serious conceptual and terminological confusion. This prevents the creation of a realistic statistical picture of the cases and victims of trafficking in people. While the Palermo Protocol offers a relatively broad definition of trafficking in persons, we cannot consider all cases

involving prostitutes from Estonia as falling into the category of trafficking in women. At the same time, it is obvious that apparently so-called "voluntary" prostitution can hide a certain number of cases of trafficking in persons. Terminological and conceptual differences and ambiguities make it difficult for the criminally exploited women to identify themselves as victims, which considerably reduces the probability of cases of trafficking to become public.

It became clear during the research project that the additions to the Estonian Penal Code have not lead to more prosecutions for trafficking-related crimes in Estonia. It was noted that, despite these additions, there is no separate *corpus delicti* to handle trafficking in persons as a crime in itself. This is a serious shortcoming that should be corrected as soon as possible. Currently, prosecutors have to rely on other sections provided under the Estonian Penal Code that are more closely related to prostitution, such as "procuring" and "production of pornographic material", to prosecute traffickers. No cases of trafficking that were unrelated to sexual exploitation were found.

Research into the portrayal of trafficking in the Estonian media and the public awareness of trafficking, focusing in particular on vulnerable groups, has revealed that, generally, the level of awareness regarding the dangers of trafficking is relatively low. Nonetheless, there is a growing recognition that the causes of trafficking are complex and involve larger issues of inequality and lack of opportunities. One of the reasons why the damage caused by trafficking is not given the attention it needs and why women do not perceive themselves as victims even in serious cases of trafficking is surely to be found in the position women occupy in society and their social condition. Our research has found that the most vulnerable group consists of young women of Russian origin, with a relatively little education, who come from north-eastern Estonia or from Tallinn.

## **Recommendations**

This research has resulted in a number of recommendations regarding the need for, and the kind of, counter-trafficking actions to be taken to combat trafficking for the purpose of sexual exploitation in Estonia.

**a) The elaboration in the Penal Code of the precise constitutive elements based on which trafficking in persons can be indicted as a criminal offence in itself**

Because of the lack in Estonia's current legislation of such constitutive elements characteristic of trafficking in human beings, in many cases the police and other legal protection agencies cannot indict the criminals involved in this crime. Different elements that are related to trafficking in persons are dispersed and listed under various individual legal headings and offences throughout the body of Estonian laws. It is the recommendation that a separate and specific *corpus delicti* for trafficking in persons be introduced into the Estonian Penal Code as quickly as possible so as to meet international standards and to be able to prosecute the criminal activity of traffickers and third parties in accordance with such laws.

**b) A victim-centred approach**

The specific characterization of the criminal offence of trafficking in human beings would serve the important goal of enabling victims of trafficking to perceive themselves as victims, and to unravel and identify the various stages and links along the trafficking chain that ultimately lead to a person becoming a victim of trafficking in human beings. To effectively prosecute traffickers under the Estonian criminal justice system, the interest of the victim must be placed first and foremost, supported through adequate witness-protection programmes and assistance. Steps must be taken to ensure that all trafficked persons are viewed primarily as victims and not as criminals or indecent/amoral individuals. Above all, it is necessary for the police force to make substantial efforts to gain the trust of potential victims in order to be able to assist them.

**c) Enhanced cooperation and dialogue between different legal and law-enforcement agencies - police, public prosecutor's office, border guards**

Enhanced cooperation and dialogue between different institutions will result in improved exchange of information about trafficking-related crimes. The goal is to uncover the membership and structure of trafficking networks regardless of whether they are highly organized or not. It must also be acknowledged by such agencies and other parties concerned that trafficking in women is not limited to exploitation in the sex industry but that it encompasses other forms of bonded labour, such as in domestic service and other situations that are redolent of sequestration, the suppression of personal freedoms and the violation of basic human rights.

**d) The elaboration and enforcement of strict control over employment agencies and their activities in facilitating employment abroad**

The cases of trafficking in persons related to sexual exploitation often coincide with the intermediation by such agency for people to work abroad. According to the laws currently effective in Estonia, these employment agencies are not held responsible for the subsequent harmful situation of their clients. The agencies are prevented law to charge a fee for their services, which is why they only offer paid "consultation" – in fact a hidden fee for the intermediation. It is, therefore, essential and urgent for such employment agencies to be strictly regulated held accountable for the fate of the people for whom they arranged work abroad.

**e) The elaboration of common, unified and generally applicable standards in the region to handle trafficking cases**

Trafficking in persons is both an internal and a cross-border phenomenon which calls for the elaboration and application of common standards throughout the European Union to identify and handle such cases. This will also help to improve the necessary international cooperation to provide adequate victim protection.

- f) Protection of persons trafficked and caught up in the sex industry by government bodies that are aware and informed of trafficking in human beings**

Trafficking in persons in Estonia is related to the recent growth in demand for sex services. Women who have been forced into offering sexual services should not automatically be regarded as irresponsible because of the alleged choices they have made, or *compos mentis*. Police and other institutions of law must utilize all possibilities to improve their cooperation with victims and potential victims of trafficking, including in the provision and security of witness protection programmes.

- g) Establishment of an official national programme and strategy to combat trafficking in persons**

The establishment of this programme should be of a comprehensive nature and encompass prosecution, protection and prevention. Within the framework of a state programme, the efforts of NGOs and various relevant ministries (internal affairs, justice, social affairs, foreign affairs, education and research) should be closely coordinated.

- h) Campaigns to raise public awareness of the crime of trafficking in human beings and to inform vulnerable groups**

Public awareness-raising campaigns for vulnerable groups should be developed and widely implemented, and the Estonian media encouraged to report regularly on the extent of trafficking into, to and from Estonia. The over-dramatizing of trafficking cases by and in the media should be avoided, as this may affect the willingness of (potential) victims to cooperate in the elucidation and prosecution of such cases.

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