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**STATUS OF HUMAN RIGHTS IN ESTONIA  
FOR THE 38<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

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## **Status of Human Rights in Estonia for the 38<sup>th</sup> Session of the Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds Special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to provide an update on human trafficking in the Republic of Estonia (Estonia) for the 38<sup>th</sup> Session of the Universal Periodic Review (UPR).

### **Background**

2. Estonia is an eastern European country with a population of approximately 1.2 million people<sup>1</sup>. The country is predominately non-religious, with 54% identifying as non-religious and 16% as unspecified<sup>2</sup>. Of the remaining religious population 16% identify as Orthodox Christian, 9% as Lutheran, and 2% as Christian other<sup>3</sup>.

3. Estonia's was last reviewed by the UPR working group in January of 2016. As a result of that review numerous countries recommended that Estonia "[t]ake further measures to prevent trafficking in persons in investigating and prosecuting offenders and provide effective support and redress to victims, as well as step up efforts to raise awareness about human trafficking"<sup>4</sup>.

4. During the previous UPR cycle, Estonia served as a source country for human trafficking, meaning that Estonian citizens were at risk for being trafficked abroad to other countries<sup>5</sup>. However, over the past few years, Estonia has shifted from being a source country to being a destination country, meaning that people are being trafficked to Estonia from other countries<sup>6</sup>. As one report states:

Until a few years ago, trafficking of human beings in Estonia was primarily a problem for the Estonian people themselves – they were exploited both domestically and in more prosperous Western Countries.

Unfortunately, today we have reached the point where people from third-countries are being exploited in Estonia. We have become a destination country for human trafficking<sup>7</sup>.

5. Thus, human trafficking in Estonia still remains an issue today.

### **Legal background:**

6. Under the Estonian Penal Code Division 6 Section 133 states:

§ 133. Trafficking in human beings

(1) Placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by one to seven years' imprisonment<sup>8</sup>.

7. The penal code also punishes those who provide aid and assistance to human traffickers for the purpose of trafficking.

§ 133 <sup>1</sup> Support to human trafficking

(1) Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person place in a situation specified in subsection 133 (1) of this Code or aiding without prior authorisation his or her forced acts in any other way, is punishable by up to five years' imprisonment.

(2) The same act if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen years of age;
- 3) committed against a person in a helpless situation;
- 4) committed by taking advantage of official position, is punishable by two to ten years' imprisonment<sup>9</sup>.

8. Furthermore, in 2003 Estonia passed the Victim Support Act which is designated to provide aid and assistance to victims of human trafficking:

(1) This Act provides the bases for state organisation of victim support, organisation of conciliation and women's support centre service, organisation of victim support service to victim of trafficking in human beings and sexually abused minor, compensation for the cost of the psychological care paid within the framework of provision of victim support service and the organisation of payment of state compensation to victims of crimes of violence (hereinafter compensation)<sup>10</sup>.

9. While Estonia does have legal protections in place, the International Covenant on Civil and Political Rights (ICCPR) contains within it multiple provisions that would serve as further acknowledgement and protection of victims of human trafficking. Under Article 8 of the ICCPR:

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour<sup>11</sup>.

10. Furthermore, as a party to the ICCPR, Estonia has an obligation to protect the rights enshrined within. Article 8 of the ICCPR states:

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude<sup>12</sup>.

11. Furthermore, under the Universal Declaration of Human Rights (UDHR):

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms<sup>13</sup>.

Article 5

No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment<sup>14</sup>.

12. While it is clear that Estonia has the legal measures in place to punish human trafficking, these are ultimately useless if police and border security don't have the resources and training needed to identify instances and victims of human trafficking.

### Efforts to Combat Human Trafficking

13. Estonia serves as a source, transit, and destination country for human trafficking. However, over the past few years Estonia is experiencing an increase in the amount for foreign individuals being trafficked into the country from nearby countries such as Ukraine, Belarus, and Moldova<sup>15</sup>.

14. The Social Insurance Agency also operates a 24/7 hotline dedicated to human trafficking<sup>16</sup>. In 2019, 496 people called the hotline up from 433 people in 2018. Of the calls made in 2019, 76 people were suspected of being exploited and officially identified 36 foreign victims which was 3 times the amount identified in 2018<sup>17</sup>.

15. In 2016, the Parliament approved changes to the Victim Support Act in order to better provide resources and aid to victims of human trafficking. Providing aid and assistance to the victims of human trafficking is an important, and often overlooked, step in combatting human trafficking. Under the amended Act:

(2) This act prescribes the persons who are entitled to victim support service, women's support centre service, compensation, compensation for the cost of psychological care and state compensation payable to victims of crimes of violence, and the conditions of and procedure for application for, determination and payment of the specified compensations, as well as the procedure for the provision of conciliation service<sup>18</sup>.

### Conclusion

16. We are encouraged by the steps Estonia has taken to bring the perpetrators of human trafficking to justice as well as providing aid for the victims. However, as Estonia is increasingly becoming a destination country, resources must be put into securing its borders and providing resources to police to better monitor the borders and be better equipped to identify and stop human trafficking before ever entering the country. This is essential in order to catch traffickers taking foreign victims into Estonia for use in forced labour and sexual exploitation.

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<sup>1</sup> Estonia, THE WORLD FACTBOOK (2 Oct. 2020), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/en.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> UPR of Estonia – Second Cycle – Thematic List of Recommendations, A/HRC/32/7 – Para. 122, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/EEIndex.aspx>.

<sup>5</sup> Estonia “Has become a Destination Country for Human Trafficking”, ERR.ee (18 Oct. 2019), available at <https://news.err.ee/993454/estonia-has-become-a-destination-country-for-human-trafficking>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Estonia Penal Code, Division 6 § 133, *available at* <https://www.riigiteataja.ee/en/eli/522012015002/consolide>

<sup>9</sup> *Id.* at Division 6 § 133<sup>1</sup>.

<sup>10</sup> Victim Support Act art. 1, *available at*

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/502012017002/consolide>

<sup>11</sup> International Covenant on Civil and Political Rights Dec. 16, 1966 S. Treaty Doc. No 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171 art. 8.

<sup>12</sup> International Covenant on Civil and Political Rights, Dec. 16, 1966 S. Treaty Doc. No 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 8.

<sup>13</sup> Universal Declaration of Human Rights art. 4, *available at*

[https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf).

<sup>14</sup> *Id.*

<sup>15</sup> Estonia “Has Become a Destination Country for Human Trafficking” ERR.ee (10 Oct. 2019), *available at* <https://news.err.ee/993454/estonia-has-become-a-destination-country-for-human-trafficking>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Victim Support Act, art. 2, *available at*

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/502012017002/consolide>.