

If you are a third country national

- If you are not a citizen of a Member State of the European Union or the European Economic Area, not a citizen of the Swiss Confederation, and not a family member of such a person, you will be granted a reflection period.
- The prosecutor's office has the right to apply for a temporary residence permit for you.
- You have the right to file an application for international protection.
- Services and support intended for victims of trafficking in human beings will be provided to you during the reflection period, during the process of reviewing the application for a residence permit and during the validity period of the residence permit if it is granted.
- If you are granted a temporary residence permit and you have been legally living in Estonia for less than 5 years, you have the right to participate in an welcoming programme (www.settleinestonia.ee)

Reflection period

- The reflection period is intended for you to have a chance to recuperate and become free from the influence of the perpetrators as well as make an informed decision on whether or not to co-operate with the police and the prosecutor's office.
- The prosecutor's office or an investigative body upon order from the prosecutor's office assigns a reflection period for the duration of 30 – 60 days.
- The prosecutor's office may end the reflection period if you have voluntarily and on your own initiative re-established contact with the person being suspected or accused of committing a criminal offence or if you pose a risk to public order or national security.
- If you have no legal basis to be present in the country, your expulsion will be suspended for the duration of the reflection period.

Residence permit

- After the reflection period ends, the prosecutor's office will apply for a temporary residence permit for you with your written consent, if you have previously helped identify facts related to the subject of proof of a criminal offence or granted your consent to do so and have terminated all contact with persons suspected or accused of committing the relevant criminal offence and you do not pose a risk to public order or national security.
- A residence permit for the purpose of participation in criminal proceeding is granted for a period of six to twelve months.
- The prosecutor's office may apply for an extension of the residence permit's term.
- If you have been granted an Estonian residence permit for the purpose of participation in a criminal proceeding, you are entitled to work and study in Estonia.
- A residence permit for the purpose of participation in a criminal proceeding may be annulled:
 - 1) upon termination of the criminal proceeding;
 - 2) if you have stopped helping identify facts related to the subject of proof of the criminal offence or you have voluntarily re-established contact with a person suspected or accused of committing the criminal offence, or;
 - 3) if you pose a risk to public order or national security.

Employment

- Every employee is entitled to good and fair employment conditions appropriate for his or her health, safety and dignity, maximum work time limit, daily and weekly rest time and annual paid vacation.
- A citizen of a Member State of the European Union or the European Economic Area or a citizen of the Swiss Confederation may live and work in Estonia for up to 3 months without registering a temporary right of residence. An alien family member of an EU citizen may work in Estonia only if a temporary or permanent right of residence of a family member of an EU citizen has been granted to him or her.
- Third country nationals living in Estonia on the basis of a residence permit may normally work in Estonia. A third country national who is present in Estonia with a visa or a visa exemption may work if his or her short-term employment is registered in the Police and Border Guard Board. The employment of illegally staying third country national is prohibited.
- In Estonia, individual labour disputes are resolved by labour dispute committees and courts. An employee may turn to a labour dispute committee or a court to have his or her labour dispute resolved. If turning to a labour dispute committee, keep in mind that a labour dispute committee will not resolve disputes over financial claims exceeding EUR 10,000.

Long-term residents

- Victims who are third country nationals who have lived legally in a Member State for at least five years have the right to apply for a residence permit of a long-term resident of that Member State pursuant to the procedure prescribed in the Aliens Act.

Return

- If you have no legal basis to be present in Estonia, you will be obligated to leave Estonia within the term set in the precept to leave.
- A victim of trafficking in human beings to whom Estonia has issued a residence permit for the purpose of participation in a criminal proceeding shall be subject to a prohibition on entry by a precept to leave only if he or she poses a risk to public order or national security.
- The time limit for voluntary fulfilment of the obligation to leave as set in the precept to leave may be extended by the Police and Border Guard Board for up to 30 days at a time if this is justified by exceptional circumstances like the duration of the victim's stay, him or her having familial and social ties to the Estonia, children attending school, or other circumstances of importance.
- You may contest the precept to leave. If you have no funds to contest the precept to leave, you have the right to apply for state legal aid pursuant to the procedure prescribed in the State Legal Aid Act (see www.just.ee/oigusabi).
- If you do not have the necessary financial means to return your home country you can apply for Voluntary Assisted Return and Reintegration Programme (see www.iom.ee/varre/).



What is trafficking in human beings and who is a victim of trafficking in human beings?

A victim of trafficking in human beings is someone who has been exploited for the purpose of sexual acts, labour, removal of his or her organs or criminal activity, by using force or deceit or taking advantage of his or her helpless state.

By the Estonian Penal Code trafficking is taking place, when someone is 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.

In Estonia, the following acts are punishable as criminal offences related to trafficking in human beings, pursuant to the Estonian Penal Code:

- 1) § 133 – trafficking in human beings;
- 2) § 133¹ – support to human trafficking;
- 3) § 133² – pimping;
- 4) § 133³ – aiding prostitution;
- 5) § 138 – illegal conduct of human research;
- 6) § 139 – illegal removal of organs or tissue;
- 7) § 140 – inducing person to donate organs or tissue; and
- 8) § 175 – human trafficking in order to take advantage of minors.

Help and support possibilities

- A victim of trafficking in human beings is entitled to the following services:
 - 1) counselling;
 - 2) assistance in communicating with national and local government authorities and legal persons;
 - 3) safe housing;
 - 4) catering;
 - 5) necessary health care services;
 - 6) necessary financial aid;
 - 7) necessary psychological aid;
 - 8) if needed translation/interpretation so as to receive services;
 - 9) other services necessary for the victim's physical and psychosocial recuperation.
- You are entitled to help and support before and during criminal proceedings as well as for a relevant time after the proceeding ends.
- You are entitled to counselling by the victim support services, as soon there is a need for it. In order to refer a person to services, a report of a criminal offence must be filed to the police or a prosecutor's office. The report of a criminal offence can be filed by the victim, a victim support employee, an NGO or whoever else.
- Help and support is provided only if the victim consents to it; if you do not wish to receive services, they will not be provided to you.
- Services are provided until the need for them ceases; the existence of the need is decided by the co-ordinator for services related to trafficking in human beings under the Estonian National Social Insurance Board.

- If a criminal proceeding is not initiated, provision of the specific services for the victim of trafficking in human beings will stop. However, you will retain eligibility for general victim support services – counselling and assistance in communicating with national and local government authorities and legal persons.
- In addition to services, you are eligible for state compensation intended for victims of violent crimes. Conditions and procedures of the state compensation can be asked from the victim support services by phone 16 106 (in Estonia), +372 6121 360 and from Victim Support Act.
- In case of a child victim, the child's representatives are normally his or her parent or parents, as set forth in the Estonian Family Act. If it is identified that the child's interests conflict with those of his or her legal representative, a court shall appoint a special guardian for the child. Until the appointing of a guardian, the municipal or city government of the child's place of residence will perform the guardian's responsibilities concerning the child.

Contact data for getting help and assistance

If you suspect that you or any acquaintance of yours may be a victim of trafficking in human beings, please contact the nearest victim support employee for referral to services you or your acquaintance require.

The central contact for services intended for victims of trafficking in human beings:

Estonian National Social Insurance Board, Northern region, Tallinn office, customer service: Endla 8, Tel: +372 664 0196, tallinn.oa@sotsiaalkindlustusamet.ee

If you do not wish to contact a victim support employee then contact an NGO active in the field: MTÜ Living for Tomorrow and the Atoll Centre of MTÜ Eluliin.

MTÜ Living For Tomorrow: Tööstuse 48A, 10416, Tallinn, Phone +372 6607 320 or e-post info@lft.ee, Facebook <http://www.facebook.com/living.for.tomorrow>

The Atoll Centre of MTÜ Eluliin: Legal, psychological and social counselling. Registration on workdays by telephone +372 655 6140 on Mondays, Wednesdays and Fridays at 15:00 - 19:00 (3 PM to 7 PM), on Tuesdays and Thursdays at 12:00 - 16:00 (12 noon to 4 PM). The Vega Centre – a shelter for victims of trafficking in human beings. Contact telephone: +372 6556 140 on Mondays, Wednesdays and Fridays at 15:00 - 19:00 (3 PM to 7 PM), on Tuesdays and Thursdays at 12:00 - 16:00 (12 noon to 4 PM), at other times the contact telephone is +372 551 5491
AVA Centre for victims of trafficking and persons engaged in prostitution in Jõhvi ava.keskus@gmail.com.
Toome Centre for victims of trafficking and persons engaged in prostitution in Tartu toome.keskus@gmail.com.

Special treatment and protection in a criminal proceeding

- Evidence is very important in a criminal proceeding. The specialist should encourage the possible victim of trafficking to preserve the necessary evidence. In case of physical injuries, send a person to a doctor so the injuries get registered – make sure the injuries are properly documented. If necessary, take colour photographs of the injuries. Also,

preserve all documental evidence – threat letters, messages, etc. Preserve anything and everything that could be used to prove the abuse the person were subjected to.

- As a victim, you are entitled to participation in the criminal proceeding, either personally or through a lawyer representing you. You may have up to three representatives. You are obliged to tell the truth, to show up if the body conducting proceedings is asking you and you have to participate in the proceedings. You will still need to testify personally.
- If you don't have no funds to hire lawyer, then you are entitled to state legal aid. To obtain it, you should contact the body conducting proceedings. You can also find the application form for state legal aid at www.just.ee/oigusabi.
- The body conducting proceedings can also provide you with information about victim support services and compensation as well as the criminal proceeding (i.e. what the current stage of the proceeding is, what procedural acts have been performed, etc.).
- You may ask help in getting the contact details of the body conducting proceedings, but they are also available from the customer information hotline of the police, telephone number: +372 6 12 30 00 or the website of the police: www.politsei.ee or that of the prosecutor's office: www.prokuratuur.ee.
- You will be compensated for your expenses related to participation in the criminal proceeding – travel costs, accommodation costs, lost income if your salary is not preserved where you work. The expenses will be compensated by the authority that summoned you – the police, the prosecutor's office or the court.
- If you do not speak Estonian, you can participate in the proceeding via an interpreter.
- If you are afraid of the suspect or the accused, tell the body conducting proceedings (the investigator or the prosecutor). If necessary, remote hearing or a partition wall between you and the accused can be used in a criminal proceeding.
- With an application of the prosecutor's office, a restraint order can be applied in a criminal proceeding. A restraint order means that the person subjected to it is prohibited from approaching you or contacting you in any way whatsoever (being near your place of residence or employment, communicating with you over telephone or Internet). A temporary restraint order is intended for the duration of the criminal proceeding only. It must be applied for by the prosecutor who can do so only with your consent.
- After the criminal proceeding ends, if the tried person is convicted, a restraint order can be applied for up to three years.
- In addition to criminal proceedings, a restraint order can also be applied for in civil proceedings. This is a proceeding on petition, which means that you have to file a petition to apply a restraint order and to pay a state fee. Upon applying a restraint order, the court has the obligation to investigate, which means that the court is not bound by your evidence alone and may gather more evidence on its own initiative. A restraint order is applied for up to three years.

If you are a citizen of the European Union

- EU citizens have the right to be present in the territory of a Member State for up to three months with a valid travel document or identity card while not registering for a right of residence.
- If you register your place of residence in Estonia pursuant to the Estonian Population Register Act, you will obtain a temporary right of residence in Estonia for five years. Your family members have to apply for the right of residence in Estonia and it will be granted on the prerequisite that they comply with the requirements for a right of residence.