**Appl. 22. P.29
Protocol of 2014 to the Forced Labour Convention, 1930**

INTERNATIONAL LABOUR OFFICE

REPORT FORM

FOR THE

**PROTOCOL OF 2014 TO
THE FORCED LABOUR CONVENTION, 1930**

The present report form is for the use of the countries which have ratified the Protocol. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: “Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.”

The Government may deem it useful to consult the appended text of the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203), the provisions of which supplement the Forced Labour Convention, 1930 (No. 29), and the present Protocol, which can contribute to a better understanding of its requirements and facilitate its application.

The matters with which this Protocol deals may be beyond the immediate competence of the ministry responsible for labour affairs, so that the preparation of a full report on the application of the Protocol may necessitate consultations with other interested ministries or government agencies.

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| PRACTICAL GUIDANCE FOR DRAWING UP REPORTS |
| *First report*1. If this is your Government’s first report following the entry into force of the Protocol in your country, full information should be given on each of the provisions of the Protocol and on each of the questions set out in the report form.*Subsequent reports*2. In subsequent reports, information need normally be given only:(a) on any new legislative or other measures affecting the application of the Protocol; | (b) in reply to the questions in the report form on the practical application of the Protocol (for example, statistics, results of evaluations or audits, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;(c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Protocol in your country which have been addressed to your Government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards. |
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**Article 22 of the Constitution of the ILO**

Report for the period from 01.06.2024 to 01.09.2024

made by the Government of Estonia

on the

**Protocol of 2014 to the Forced Labour Convention, 1930**

(ratification registered on 2016)

In addition to the information requested in the report form concerning the Forced Labour Convention, 1930 (No. 29), please give detailed information for each of the following Articles of the Protocol.

Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.

2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers’ and workers’ organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers’ and workers’ organizations, as well as with other groups concerned.

3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

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| *Paragraph 2. Please describe the national policy against all forms of forced or compulsory labour and the measures envisaged under the national plan for the effective and sustained suppression of forced or compulsory labour, indicating how systematic action by the competent authorities is ensured so that these measures are implemented. Please indicate the manner in which employers’ and workers’ organizations are consulted. Please also indicate if there has been any coordination with employers’ and workers’ organizations, as well as with other groups concerned.*Estonia has had a national policy and a strategic development plan of the Government of the Republic for combating trafficking in human beings since 2006. There have been various national/governmental level strategies developed and they are updated regularly. Strategies are confirmed by the government. Organized crime, including trafficking in human beings is a priority in combating crime and is also included in the **Criminal Policy Development Plan 2030** adopted by the parliament in 2020 (available online in Estonian: <https://www.riigiteataja.ee/akt/313112020006>). Estonia has an up to date **Violence Prevention Agreement** for years 2021-2025 (available online in English: <https://www.just.ee/en/crime-and-prevention-crime/violence-prevention-agreement>). As one of the fields Violence Prevention Agreement addresses anti-trafficking policy developments.On page 26 of the agreement, the following activities are planned for the strategy period in order to prevent trafficking in human beings:* Young people and professionals working with young people will be trained to raise their awareness of the dangers of trafficking in human beings and assistance possibilities. Young people will be engaged into the prevention of trafficking in human beings.
* Campaigns will be used to change the attitudes towards buying sex.
* Training will be provided to employers, in particular in the construction, manufacturing, and service sectors and in the manufacturing industry, as well as to users of seasonal workers in agriculture and elsewhere, to ensure safe and non-discriminatory recruitment chains and to improve the knowledge of employers of migrant worker recruitment rules.
* The knowledge of employees about labour laws, especially among those coming to work in Estonia from abroad, will be increased.
* Inspections based on risk analysis will be organised and data exchange will be intensified to reduce the illegal employment of migrants in Estonia.
* In criminal proceedings, co-operation with the countries of origin of migrants will be enhanced to support investigative measures.
* The prevention, detection, and investigation of crimes related to trafficking in human beings will be ensured in co-operation with the competent authorities, inter alia by increasing co-operation at the local level.
* Cases of labour exploitation will be analysed to identify possible links with the crime of trafficking in human beings.
* The experience of an independent rapporteur of trafficking in human beings41 in other EU countries and the need for such a function in Estonia will be analysed.
* An intervention programme for sex buyers will be established to reduce the demand for trafficking in human beings, including the buying of sex and sexual abuse.

During the last year, public awareness-raising activity has been worked out to prepare it with stakeholders such as the Labour Inspectorate, Police and Border Guard Board and other national authorities working with anti-trafficking work for the public procurement. The focus is mainly dedicated to workers migrated to Estonia with the aim to raise their awareness of the working rights and conditions in Estonia. Overview of the activities done under the Violence Prevention Agreement is done annually. Overall evaluation for the strategy and its results will be carried out in 2025, which is the end of the strategy period. So far, we can tell that all anti-trafficking actions are either done or in process.In relation to stakeholders’ opportunities to be involved in the process of policy-making, according to the Government Regulation No. 180 of 22.12.2011 “Rules for Good Legislative Practice and Legislative Drafting” (available in English: <https://www.riigiteataja.ee/en/eli/508012015003/consolide>), interest groups and the public are involved in the preparation of a legislative intent, concept and draft Act and coordination is carried out in compliance with the Good Practice of Involvement. The opinions and proposals of engaged interest groups must be set out in the explanatory memorandum. It must also be set out to which extent the opinions and proposals of interest groups were taken into account. |
| *Paragraph 3.  Please provide information on the specific measures taken to combat trafficking in persons for the purposes of forced or compulsory labour and on the results achieved.*There are various examples about specific measures taken to combat trafficking in persons, for example:* In 2024 broader training of authorities working with trafficking in human beings (THB) crimes have started and in total there will be around 90 officials trained (including around 20 from the Labour Inspectorate). The goal of this training is to have more competent mentors in the organizations who are able to assist their colleagues in working with THB cases.
* In 2024 a one-day training took place regarding THB for Labour Inspectorate workers, who are in contact with such cases. Around 55 workers attended.
* In cooperation with the private sector an e-learning course about TBH and exploitation is prepared in content for the personnel of Estonian Restaurants and Hotels Association. The technical part and design are yet to be done and soon the course will be ready for use in hospitality sector.

2023 also marks the first year when in registered statistics of trafficking crimes there were more cases (13 vs 1) of labour trafficking than sexual exploitation. This shows that the trainings carried out under the state strategy for years to law enforcement, prosecutors and victim support have been resultative. The investigations are still ongoing, we have no court practice yet to report. Regarding specifically the work of Labour Inspectorate, then foreign labour has been a topic of importance. As it was in 2020, in 2021 foreign labour was affected by COVID-19. Foreign labour was simply even less visible, and several schemes were devised. Close co-operation with other countries is crucial on issues related to foreign labour. Due to coronavirus normal cooperation was disrupted and the main focus was given to data exchange. Due to coronavirus, we have first and foremost offered comprehensive assistance and information about Estonian enterprises which operate on foreign markets and do not comply with national rules there. The European Labour Agency (ELA) is increasingly taking up its activities and work. The agency started their work at the same time as COVID-19 reached Europe and this slowed down the working groups and joint inspections. To date, these start-up difficulties have been largely overcome by the active coordination and conduct of joint inspections between countries. Estonia also actively participates in the ELA work and is ready to carry out joint inspections and co-operate with other EU member states to ensure the legal treatment of employees in the labour market. In 2022, the war in Ukraine had a great impact on Labour Inspectorate’s supervision and counselling activities. In 2022 around 20% of the inspectorate’s supervision specifically covered the inspection of working conditions of war refugees. Furthermore, in 2023, the Labour Inspectorate conducted 3,544 supervision procedures, of which Ukrainians were employed in 158 companies. The number of Ukrainian employees covered by the inspections was 611, which was 4% of the total supervision (compared to the 20% in 2022). The biggest problem was failure to inform employees about working conditions and entering the correct entries in the employment register, as well as problems related to guidance and training and various violations of work and rest time. In 2023, nearly 800 tips were received by the Labour Inspectorate (in 2022 there were 721 tips and in 2021 there were 411 tips received). Almost 100 of them were related to migrant workers, and 23 tips were also related to Ukrainian workers. One of the latest examples is as follows: "the company hires Ukrainians, lets them do a week of “trial days”, and then sends them away without paying anything. The employees work illegally, their wages are deducted for minor mistakes.”The 2023 report of the Council of Europe Group of Experts on Action against Trafficking (GRETA) stated that labor migration in Estonia has increased in recent years and unfortunately with it the risk of exploitation of foreign workers. At the same time, the report also stated that the Estonian authorities have taken a number of measures to reduce the exploitation of foreign workers. In 2021 and 2022, the Police and Border Guard Board and the Tax and Customs Board conducted joint inspections, during which 3,773 employees and 919 companies and 1,575 employees and 618 companies were inspected, respectively, and during these inspections, no cases of human trafficking related to forced labor under abnormal conditions were found. |

Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

(a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;

(b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;

(c) undertaking efforts to ensure that:

(i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and

(ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;

(d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;

(e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and

(f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

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| *Please describe all the measures taken to prevent all forms of forced or compulsory labour in each of the areas described in subparagraphs (a) to (f) of this paragraph, indicating the institutions responsible for their implementation and the resources at their disposal.* Many of the activities done and measures taken are already mentioned in the previous points. In addition and regarding specifically subparagraphs (a) to (f), insummer of 2023 Ministry of Justice, Social Insurance Board and Labour Inspectorate shared with the [EU anti-trafficking campaign](https://home-affairs.ec.europa.eu/whats-new/communication-campaigns/end-human-trafficking-break-invisible-chain_et) the message for youngsters to protect them to be used on the labour market. Trainings for young people have been carried out since the last school year under the Internal Security Fund (ISF) project and coordinated by the Social Insurance Board. Over 1000 schoolchildren aged 16+ have been trained and the objective for the year 2027 is to have nearly 8000 students trained. One of the main information transmission channels of the Labour Inspectorate is Tööelu (Working Life) portal, which is available in Estonian, English and Russian: <https://www.tooelu.ee/en>. The portal also has a separate topic page on human trafficking/labor exploitation, which is also available in 3 languages: <https://tooelu.ee/et/292/tooalane-arakasutamine>. In addition, the website of the Labour Inspectorate has a lot of information materials: <https://www.ti.ee/ennetus-ja-teave/infomaterjalid/trukised>, many of which are available not only in Estonian, but also in English and Russian. Paper publications are also available free of charge in larger offices of the inspectorate. The publications are distributed at various events the inspectorate participates at. The Labor Inspectorate also shares information on the most popular social media channels, such as Facebook, Instagram, LinkedIn and thematic pages are also available on YouTube: [https://www.youtube.com/@eestitooinspektsioon169](https://www.youtube.com/%40eestitooinspektsioon169) and [https://www.youtube.com/@tooeluee2169](https://www.youtube.com/%40tooeluee2169). Furthermore, in October-November 2023, the Labour Inspectorate carried out an information campaign "You are not alone at work". This was a continuation of the media campaign that took place in 2022, within the framework of which Ukrainian war refugees were informed about the service and help provided by the Labour Inspectorate. The purpose of the campaign was to raise awareness of Ukrainian war refugees (including the entire population of Estonia) about the existence of the Labour Inspectorate, to help support a change in people's behavior, to consolidate the knowledge that the Labour Inspectorate can be contacted for help and clarification free of charge. All campaign materials were also translated into Ukrainian and Russian. The campaign was carried out on social media (Facebook, Instagram, TikTok, YouTube), online publications (media, Google ads), TV, radio, and great emphasis was placed on outdoor advertising, i.e. media surfaces located in public spaces (digital screens, posters in urban spaces, advertising spaces in shopping centers, public transport etc) in 17 different cities (where most war refugees live in Estonia). On digital surfaces, we use questions that people have in real life as the main message to catch their attention and lead them to Tööelu (Working Life) portal in search of answers. As a novel solution, we involved "Smmart Avocado", a Ukrainian woman living in Estonia who produces popular content on TikTok and has over 25 thousand followers, to spread the campaign message.In the second half of 2023, a survey was conducted among Ukrainian war refugees and their employers with the aim of finding out the concerns of war refugees and the areas in which they would need help. To find out the awareness and attitudes of Ukrainian war refugees regarding the opportunities offered by the supplier, what is the current level of people's awareness of the services offered, what are the attitudes and willingness to contact the Labour Inspectorate and use the services. The results of the survey served as input for the preparation of an information campaign for war refugees.15 animation clips were created in the second half of the year. The target group was primarily Ukrainian war refugees who arrived in Estonia, as well as people who came to work in Estonia from other countries, and a wider target group was the entire working population of Estonia, as well as employers. The goal was to create animation clips that help raise awareness of the Labour Inspectorate and visually explain issues related to labour relations and the working environment. The animations are primarily aimed at war refugees in Ukraine, but also at the entire working-age population of Estonia, including foreign-speaking workers. The use of animations helps to raise awareness of the existence of the Labour Inspectorate and reinforce the knowledge that the Labour Inspectorate can be contacted free of charge for help and clarification. The format of the animation clips is a funny short cartoon, where topics and/or danger signs related to labour relations and the working environment are briefly, simply and clearly explained visually to both employees and employers, with the aim of raising awareness of labour law and safety when working in Estonia and directing them to the Tööelu portal for additional information etc.Regarding labour inspections, joint inspection visits in cooperation with the Police and Border Guard Board (PBGB), Labour Inspectorate and Tax and Customs Board (TCB) are carried out annually according to the proposals of the institutions. PBGB, TCB and Labour Inspectorate have a cooperation agreement under which joint inspections are being performed. The three different institutions share information for risk analysis purposes and plan joint targeted actions to use the resources effectively and cover all different areas (illegal employment of third country nationals, human trafficking related offences, labour exploitation, tax frauds, but also the protection of their rights). In 2024, Labour Inspectorate published for the first time on its website a list of companies that are planned to be inspected during this calendar year, some of them jointly with the PBGB and TCB (available online: <https://www.ti.ee/en/news/first-time-labour-inspectorate-publishing-list-companies-will-be-inspected-year>).In 2023, PBGB performed a total of 367 inspections, including 73 with TCB and Labour Inspectorate, of which 25 with TCB only, 19 with Labour Inspectorate only, and 29 with both TCB and Labour Inspectorate. 2,812 natural persons and 1,265 legal entities were inspected as part of the inspections. During control operations, emphasis is placed, among other things, on identifying possible signs of human trafficking.PBGB, Office of the Prosecutor General, Labour Inspectorate and Social Insurance Board all pay relevant attention to the trainings of the THB theme to their officers and specialists in all levels in order them to be ready to be noticing, early identification and reacting to THB. In 2023, joint training to the specialists (investigators from PBGB and prosecutors’ offices, labour inspectors, inspectors of TCB, also victim support specialists and NGO representatives from NGO LifeLine) working with THB and related crimes, had around 100 participants, around 10 of them from Labour Inspectorate. The training concentrated attention both to labour and sexual exploitation and on support measures in organizations related to trauma-informed care and tips were given on the psychological coercion and interviewing techniques. Dutch colleagues introduced how they work with labour exploitation cases and how they solve THB cases with the police and in labour inspectorate. In May 2024, there was a special training day for the labour inspectors and other officials in different levels (counselling lawyers, head of labour dispute committee, supervision inspectors etc) for 50 people in total to discuss over the case law of the current cases with PBGB and to gain recent information of the THB trends, data in Estonia, also information on the victim support and cooperation with other state agencies in detecting possible THB cases. At training, among other things, the possibilities of enhancing cooperation between relevant institutions (the Social Insurance Board's victim assistance and the PBGB and Labour Inspectorate) were discussed. |

Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

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| *Please indicate the measures taken to ensure that the competent authorities are able to identify and release all victims of forced or compulsory labour. Please describe the measures taken to provide victims with protection, recovery and rehabilitation. Please also indicate the measures taken to provide other forms of assistance and support.* One of the major changes has been the new Victim Support Act, which entered into force in April 2023 (available online in English: <https://www.riigiteataja.ee/en/eli/503042023004/consolide>). The service for victims of human trafficking is one of the eight victim assistance services provided for in the new Victim Support Act. The purpose of the service for victims of human trafficking is to contribute to the victim's sense of security, physical and psychosocial recovery, and to prevent re-victimization. The service for victims of human trafficking includes psychological counseling, psychotherapy, provision of psychosocial assistance, counseling of the victim, provision of legal assistance, accommodation, catering, organization of access to necessary healthcare services, organization of translation services, and assessment of the victim's need for assistance. Compared to the old act, the new act no longer talks about the expected victim, although essentially this target group can continue to be assisted and provided with services. The process involves the Social Insurance Board (or the Labor Inspectorate) identifying the victim using the indicators specified in the guidance material for identifying and assisting victims of human trafficking. In cases of suspected human trafficking, the police or the prosecutor's office is notified. The specified services can be provided (from Social Insurance Board) to the person for up to 14 calendar days until confirmation is received from the police or the prosecutor's office. If it turns out that the person is not a victim of human trafficking, the Social Insurance Board will stop providing the services intended for victims of human trafficking. This is stipulated in § 24 subsection 4 of the new Victim Support Act. In 2023, 431 individuals reached out the Social Insurance Board´s helpline number (+372 660 7320) for the prevention of human trafficking and assistance to victims. Among them, 30 cases were suspected of sexual exploitation and 55 cases were suspected of involving labor exploitation.Additionally, § 25 of the new Victim Support Act supplements the organization of services for victims of human trafficking with special provisions concerning minor victims. There are differences in assisting minor victims of human trafficking. The new act considers the peculiarities of assisting minors and specifies cooperation between victim assistance and child protection. To raise awareness information leaflets were made in Estonian, English and Russian. Informational videos were also done in Estonian and Russian (link to the videos and leaflets: <https://www.just.ee/kuritegevus-ja-selle-ennetus/inimkaubandus#vabatahtlikele>). The migration advisors of the PBGB have organized 11 information days for employers in three languages in 2023 (7 in Estonian, 3 in Russian and 1 in English). However, it raises awareness among Ukrainian citizens about the rules and requirements so that they know what to observe when starting a job. The seminars in a similar amount were also held in 2022 and 2021. As described in our answer to the question regarding article 1 paragraph 3, a great deal of attention to Ukrainians was also given to Labour Inspectorate’s supervision and counselling activities.As described above, special attention to Ukrainian employees has been given regarding Labour Inspectorate’s supervision and counselling activities and joint and separate inspections by the authorities are carried out regularly. During control operations, emphasis is also placed on identifying possible manifestations of human trafficking. |

Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

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| *Paragraph 1. Please indicate the remedies that have been established to enable victims of forced or compulsory labour to claim their rights and obtain reparation, including compensation, as well as the measures taken to ensure that such remedies are accessible to all victims, irrespective of their presence or legal status in the national territory.* According to the Constitution of the Republic of Estonia everyone whose rights and freedoms are violated has the right of recourse to the courts. Therefore, every person has the right to recourse to court or the labour dispute committee, which is an extrajudicial authority adjudicating disputes arising from employment relationships.In addition, according to § 381 (1) of Code of Criminal Procedure, the victim has a right to file a civil court claim against the suspect, accused or civil defendant, to be considered by the court as part of criminal proceedings in the case. The victim may seek relief by means of such a court claim, if the purpose of the relief is to reinstate or remedy the position of their interests that was transgressed against by the act which is the subject matter of criminal proceedings, provided the factual circumstances that the claim is based on overlap to a material extent with the facts that characterise the commission of the criminal offence that the proceedings focus on, and provided it would also be possible to consider such a claim under the rules of civil procedure. The parties to proceedings may make applications to the Prosecutor’s Office within ten days following presentation of the criminal file and where a civil court claim is filed after expiry of the time limit, the Prosecutor’s Office returns it by an order and explains to the victim their right to file a court claim under the rules of civil procedure.Regarding the labour dispute committee, the spread of COVID-19 significantly affected economic activity, which often led to labour disputes and affected the work of labour dispute committees - number of labour disputes decreased by 37%. In 2021-2022 the labour dispute commitee received approximately 250 petitions per year of which related to foreign employees (11-14% of all petitions). During the year 2023, 2,297 labour dispute petitions were submitted, of which 484 petitions indicated that they were migrant workers (approximately 21% of all petitions). By fields of activity, the most problematic continued to be construction, transport, and accommodation and catering. Regarding nationalities, employees from Ukraine, Russia, Latvia, and Georgia are noteworthy, but also from Uzbekistan, Belarus, and Turkmenistan. Similarly to Estonian workers, the majority of claims are related to financial issues. The total amount of claims was 3.2 million euros. 484 applications were related to foreign labour, 79 applications (16% of the applications) in the total amount of 298,495 euros were fully satisfied, and 105 applications (22% of the applications) in the total amount of 738,409 euros were partially satisfied. 49 applications (10% of the applications) in the total amount of 1.2 million euros were left unsatisfied. Compromises were approved for 75 applications in the total amount of 281,335 euros e. 15% of applications.National criminal statistics of the THB registered crimes and also about the sanctioned meant for the trafficking related crimes are annually available on the Ministry of Justice website (yearly data available in Estonian: <https://www.just.ee/kuritegevuse-statistika>). As requested by the CEACR, data on the application of section 133 of the Penal Code for recent years is the following:

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| Year | Registered crimes of THB | Prosecutions of the THB crimes | Convictions of the THB crimes |
| 2021 | 6 | 4 | 2 |
| 2022 | 11 | 2 | 4 |
| 2023 | 14 | 2 | 1 |

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| *Paragraph 2. Please indicate the measures taken to enable the competent authorities not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour. Please also indicate how the competent authorities are made aware of these measures and apply them in practice.* There are regular trainings done for the specialists working in the field and if needed then cases are discussed. So far there is no concrete regulation for non-punishment rule in the Penal Code. The preclusion of unlawfulness can occur in the situation of necessity which is provided in Penal Code § 29 (available online in English: <https://www.riigiteataja.ee/en/eli/ee/505072024001/consolide/current>). According to this paragraph, an act is not unlawful if the person commits the act in order to avert a direct or immediate danger to the legal rights of the person or of another person, and if the means chosen by the person are necessary for the aversion of the danger and the interest protected is evidently of higher importance than the interest subject to damage. In considering interests, the importance of the legal rights, the degree of the danger by which they are threatened and the danger arising from the act shall be taken into account. For example, acting in order to avert a direct or immediate danger can occur when the victim of human trafficking is threatened by a danger of higher importance (e.g. serious health damage) and by which the victim is forced to commit a crime (e.g. theft). Therefore, when the interest protected (health) is evidently of higher importance than the interest subject to damage (property) then it is not possible to convict the victim of THB. The Code of Criminal Procedure § 202 (available online in English: <https://www.riigiteataja.ee/en/eli/ee/504072024003/consolide/current>) also provides for a possibility of termination of criminal proceedings in case of lack of public interest in proceedings and negligible guilt. Therefore, if the object of criminal proceedings is a criminal offence in the second degree and the guilt of the person suspected or accused of the offence is negligible, and he or she has remedied or has commenced to remedy the damage caused by the criminal offence or has paid the expenses relating to the criminal proceedings, or assumed the obligation to pay such expenses, and there is no public interest in the continuation of the criminal proceedings, the prosecutor's office may request termination of the criminal proceedings by a court with the consent of the suspect or accused. Another possibility to terminate criminal proceedings is provided in the Code of Criminal Procedure § 205. It states that the Office of the Prosecutor General may, by its order, terminate criminal proceedings with regard to a person suspected or accused with his or her consent if the suspect or accused has significantly facilitated the ascertaining of facts relating to a subject of proof of a criminal offence which is important from the point of view of public interest in the proceedings and if, without the assistance, detection of the criminal offence and taking of evidence would have been precluded or especially complicated. |

Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

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| *Please indicate how, and in which areas, cooperation has been established with other member States to ensure the prevention and elimination of all forms of forced or compulsory labour.* There are many examples of cooperation with other Member States with the aim to prevent and eliminate all forms of forced or compulsory labour:* Within ELECT-THB project (Enhanced Law Enforcement Cooperation and Training on Trafficking in Human Beings) there was special roundtable with Finnish colleagues on collaboration in criminal matters. Collaboration is ongoing within ISF projects with Uzbekistan and with Moldova, Ukraine and possibly Romania.
* In 2023-2024 with CBSS (Council of the Baltic Sea States) the compilation of information on the national and transnational referral processes for victims of human trafficking in the 10 CBSS Members states (Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Sweden) is ongoing to update the existing Baltic Sea Region Transnational Referral Mechanism (TRM).
* Also, there are two ISF funded projects for supporting professional development and awareness raising during different stakeholders in recognizing THB. In frame of the European Commission co-funded ISF project „Alert helpers! – Building collaborative capacity for identification and assistance of THB victims in Estonia“, there have been 6 trainings carried out for the large scale of interested counterparts starting from probation to social affairs with the message to be the first notifiers of the suspicion of THB.
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Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

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| *Please describe the manner in which the measures to apply the Protocol and the Convention are determined, in particular to what extent this is done by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.* As explained in our answer to article 1 paragraph 2 question, the law obligates to involve stakeholders in the process of policymaking. They have the right to form opinions and make proposals and information about to which extent the opinions and proposals of interest groups were taken into account must be explained. As our input above indicates, in Estonia both national laws/regulations and competent authority activities contribute to our action against all forms of forced or compulsory labour.  |

Protocol to Convention 29

Protocol of 2014 to the Forced Labour Convention, 1930

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Recognizing that the prohibition of forced or compulsory labour forms part of the body of fundamental rights, and that forced or compulsory labour violates the human rights and dignity of millions of women and men, girls and boys, contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all, and

Recognizing the vital role played by the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as “the Convention”, and the Abolition of Forced Labour Convention, 1957 (No. 105), in combating all forms of forced or compulsory labour, but that gaps in their implementation call for additional measures, and

Recalling that the definition of forced or compulsory labour under Article 2 of the Convention covers forced or compulsory labour in all its forms and manifestations and is applicable to all human beings without distinction, and

Emphasizing the urgency of eliminating forced and compulsory labour in all its forms and manifestations, and

Recalling the obligation of Members that have ratified the Convention to make forced or compulsory labour punishable as a penal offence, and to ensure that the penalties imposed by law are really adequate and are strictly enforced, and

Noting that the transitional period provided for in the Convention has expired, and the provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 are no longer applicable, and

Recognizing that the context and forms of forced or compulsory labour have changed and trafficking in persons for the purposes of forced or compulsory labour, which may involve sexual exploitation, is the subject of growing international concern and requires urgent action for its effective elimination, and

Noting that there is an increased number of workers who are in forced or compulsory labour in the private economy, that certain sectors of the economy are particularly vulnerable, and that certain groups of workers have a higher risk of becoming victims of forced or compulsory labour, especially migrants, and

Noting that the effective and sustained suppression of forced or compulsory labour contributes to ensuring fair competition among employers as well as protection for workers, and

Recalling the relevant international labour standards, including, in particular, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), the Worst Forms of Child Labour Convention, 1999 (No. 182), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Domestic Workers Convention, 2011 (No. 189), the Private Employment Agencies Convention, 1997 (No. 181), the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), as well as the ILO Declaration on Fundamental Principles and Rights at Work (1998), and the ILO Declaration on Social Justice for a Fair Globalization (2008), and

Noting other relevant international instruments, in particular the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the United Nations Convention against Transnational Organized Crime (2000), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Convention on the Rights of Persons with Disabilities (2006), and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Convention, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Convention;

adopts this eleventh day of June two thousand and fourteen the following Protocol, which may be cited as the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.

2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers’ and workers’ organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers’ and workers’ organizations, as well as with other groups concerned.

3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

(a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;

(b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;

(c) undertaking efforts to ensure that:

(i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and

(ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;

(d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;

(e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and

(f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

Article 7

The transitional provisions of Article 1, paragraphs 2 and 3, and Articles 3 to 24 of the Convention shall be deleted.

Article 8

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force 12 months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member 12 months after the date on which its ratification has been registered by the Director-General and the Convention shall be binding on the Member concerned with the addition of Articles 1 to 7 of this Protocol.

Article 9

1. A Member which has ratified this Protocol may denounce it whenever the Convention is open to denunciation in accordance with its Article 30, by an act communicated to the Director-General of the International Labour Office for registration.

2. Denunciation of the Convention in accordance with its Article 30 by a Member which has ratified this Protocol or in accordance with its Article 32 shall ipso jure involve the denunciation of this Protocol.

3. Any denunciation in accordance with paragraphs 1 or 2 of this Article shall not take effect until one year after the date on which it is registered.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol shall come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications, declarations and denunciations registered by the Director-General.

Article 12

The English and French versions of the text of this Protocol are equally authoritative.

Recommendation 203

RECOMMENDATION ON SUPPLEMENTARY MEASURES
FOR THE EFFECTIVE SUPPRESSION OF FORCED LABOUR

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 103rd Session on 28 May 2014, and

Having adopted the Protocol of 2014 to the Forced Labour Convention, 1930, hereinafter referred to as “the Protocol”, and

Having decided upon the adoption of certain proposals to address gaps in implementation of the Forced Labour Convention, 1930 (No. 29), hereinafter referred to as “the Convention”, and reaffirmed that measures of prevention, protection, and remedies, such as compensation and rehabilitation, are necessary to achieve the effective and sustained suppression of forced or compulsory labour, pursuant to the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Convention and the Protocol;

adopts this eleventh day of June of the year two thousand and fourteen the following Recommendation, which may be cited as the Forced Labour (Supplementary Measures) Recommendation, 2014.

1. Members should establish or strengthen, as necessary, in consultation with employers’ and workers’ organizations as well as other groups concerned:

(a) national policies and plans of action with time-bound measures using a gender- and child-sensitive approach to achieve the effective and sustained suppression of forced or compulsory labour in all its forms through prevention, protection and access to remedies, such as compensation of victims, and the sanctioning of perpetrators; and

(b) competent authorities such as the labour inspectorates, the judiciary and national bodies or other institutional mechanisms that are concerned with forced or compulsory labour, to ensure the development, coordination, implementation, monitoring and evaluation of the national policies and plans of action.

2. (1) Members should regularly collect, analyse and make available reliable, unbiased and detailed information and statistical data, disaggregated by relevant characteristics such as sex, age and nationality, on the nature and extent of forced or compulsory labour which would allow an assessment of progress made.

(2) The right to privacy with regard to personal data should be respected.

Prevention

3. Members should take preventive measures that include:

(a) respecting, promoting and realizing fundamental principles and rights at work;

(b) the promotion of freedom of association and collective bargaining to enable at-risk workers to join workers’ organizations;

(c) programmes to combat the discrimination that heightens vulnerability to forced or compulsory labour;

(d) initiatives to address child labour and promote educational opportunities for children, both boys and girls, as a safeguard against children becoming victims of forced or compulsory labour; and

(e) taking steps to realize the objectives of the Protocol and the Convention.

4. Taking into account their national circumstances, Members should take the most effective preventive measures, such as:

(a) addressing the root causes of workers’ vulnerability to forced or compulsory labour;

(b) targeted awareness-raising campaigns, especially for those who are most at risk of becoming victims of forced or compulsory labour, to inform them, inter alia, about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, and how to gain access to assistance in case of need;

(c) targeted awareness-raising campaigns regarding sanctions for violating the prohibition on forced or compulsory labour;

(d) skills training programmes for at-risk population groups to increase their employability and income-earning opportunities and capacity;

(e) steps to ensure that national laws and regulations concerning the employment relationship cover all sectors of the economy and that they are effectively enforced. The relevant information on the terms and conditions of employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations or collective agreements;

(f) basic social security guarantees forming part of the national social protection floor, as provided for in the Social Protection Floors Recommendation, 2012 (No. 202), in order to reduce vulnerability to forced or compulsory labour;

(g) orientation and information for migrants, before departure and upon arrival, in order for them to be better prepared to work and live abroad and to create awareness and better understanding about trafficking for forced labour situations;

(h) coherent policies, such as employment and labour migration policies, which take into account the risks faced by specific groups of migrants, including those in an irregular situation, and address circumstances that could result in forced labour situations;

(i) promotion of coordinated efforts by relevant government agencies with those of other States to facilitate regular and safe migration and to prevent trafficking in persons, including coordinated efforts to regulate, license and monitor labour recruiters and employment agencies and eliminate the charging of recruitment fees to workers to prevent debt bondage and other forms of economic coercion; and

(j) in giving effect to their obligations under the Convention to suppress forced or compulsory labour, providing guidance and support to employers and businesses to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced or compulsory labour in their operations or in products, services or operations to which they may be directly linked.

Protection

5. (1) Targeted efforts should be made to identify and release victims of forced or compulsory labour.

(2) Protective measures should be provided to victims of forced or compulsory labour. These measures should not be made conditional on the victim’s willingness to cooperate in criminal or other proceedings.

(3) Steps may be taken to encourage the cooperation of victims for the identification and punishment of perpetrators.

6. Members should recognize the role and capacities of workers’ organizations and other organizations concerned to support and assist victims of forced or compulsory labour.

7. Members should, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

8. Members should take measures to eliminate abuses and fraudulent practices by labour recruiters and employment agencies, such as:

(a) eliminating the charging of recruitment fees to workers;

(b) requiring transparent contracts that clearly explain terms of employment and conditions of work;

(c) establishing adequate and accessible complaint mechanisms;

(d) imposing adequate penalties; and

(e) regulating or licensing these services.

9. Taking into account their national circumstances, Members should take the most effective protective measures to meet the needs of all victims for both immediate assistance and long-term recovery and rehabilitation, such as:

(a) reasonable efforts to protect the safety of victims of forced or compulsory labour as well as of family members and witnesses, as appropriate, including protection from intimidation and retaliation for exercising their rights under relevant national laws or for cooperation with legal proceedings;

(b) adequate and appropriate accommodation;

(c) health care, including both medical and psychological assistance, as well as provision of special rehabilitative measures for victims of forced or compulsory labour, including those who have also been subjected to sexual violence;

(d) material assistance;

(e) protection of privacy and identity; and

(f) social and economic assistance, including access to educational and training opportunities and access to decent work.

10. Protective measures for children subjected to forced or compulsory labour should take into account the special needs and best interests of the child, and, in addition to the protections provided for in the Worst Forms of Child Labour Convention, 1999 (No. 182), should include:

(a) access to education for girls and boys;

(b) the appointment of a guardian or other representative, where appropriate;

(c) when the person’s age is uncertain but there are reasons to believe him or her to be less than 18 years of age, a presumption of minor status, pending age verification; and

(d) efforts to reunite children with their families, or, when it is in the best interests of the child, provide family-based care.

11. Taking into account their national circumstances, Members should take the most effective protective measures for migrants subjected to forced or compulsory labour, irrespective of their legal status in the national territory, including:

(a) provision of a reflection and recovery period in order to allow the person concerned to take an informed decision relating to protective measures and participation in legal proceedings, during which the person shall be authorized to remain in the territory of the member State concerned when there are reasonable grounds to believe that the person is a victim of forced or compulsory labour;

(b) provision of temporary or permanent residence permits and access to the labour market; and

(c) facilitation of safe and preferably voluntary repatriation.

Remedies, such as compensation and access to justice

12. Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by:

(a) ensuring, in accordance with national laws, regulations and practice, that all victims, either by themselves or through representatives, have effective access to courts, tribunals and other resolution mechanisms, to pursue remedies, such as compensation and damages;

(b) providing that victims can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits;

(c) ensuring access to appropriate existing compensation schemes;

(d) providing information and advice regarding victims’ legal rights and the services available, in a language that they can understand, as well as access to legal assistance, preferably free of charge; and

(e) providing that all victims of forced or compulsory labour that occurred in the member State, both nationals and non-nationals, can pursue appropriate administrative, civil and criminal remedies in that State, irrespective of their presence or legal status in the State, under simplified procedural requirements, when appropriate.

Enforcement

13. Members should take action to strengthen the enforcement of national laws and regulations and other measures, including by:

(a) giving to the relevant authorities, such as labour inspection services, the necessary mandate, resources and training to allow them to effectively enforce the law and cooperate with other organizations concerned for the prevention and protection of victims of forced or compulsory labour;

(b) providing for the imposition of penalties, in addition to penal sanctions, such as the confiscation of profits of forced or compulsory labour and of other assets in accordance with national laws and regulations;

(c) ensuring that legal persons can be held liable for the violation of the prohibition to use forced or compulsory labour in applying Article 25 of the Convention and clause (b) above;

(d) strengthening efforts to identify victims, including by developing indicators of forced or compulsory labour for use by labour inspectors, law enforcement services, social workers, immigration officers, public prosecutors, employers, employers’ and workers’ organizations, non governmental organizations and other relevant actors.

International cooperation

14. International cooperation should be strengthened between and among Members and with relevant international and regional organizations, which should assist each other in achieving the effective and sustained suppression of forced or compulsory labour, including by:

(a) strengthening international cooperation between labour law enforcement institutions in addition to criminal law enforcement;

(b) mobilizing resources for national action programmes and international technical cooperation and assistance;

(c) mutual legal assistance;

(d) cooperation to address and prevent the use of forced or compulsory labour by diplomatic personnel; and

(e) mutual technical assistance, including the exchange of information and the sharing of good practice and lessons learned in combating forced or compulsory labour.