

Category	Prostitution and trafficking for commercial exploitation
Country	Estonia
Background	<p>Relevant legislation</p> <p>Trafficking was criminalized as a distinct provision in Penal Code since 14.04.2012. Before the aforementioned amendment of the Penal Code different other related provisions were used in prosecuting crimes of trafficking, such as enslaving, aiding prostitution, etc.</p> <p>§ 133. Trafficking in human beings</p> <p>(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 1 to 7 years' imprisonment.</p> <p>(2) The same act, if:</p> <ol style="list-style-type: none"> 1) committed against two or more persons; 2) committed against a person of less than 18 years of age; 3) committed against a person in a helpless situation; 4) committed in a torturous or cruel manner; 5) serious health damage is caused thereby; 6) danger to life is caused thereby; 7) committed by two or more persons; 8) committed by taking advantage of official position, 9) serious consequences are caused thereby; is punishable by 3 to 15 years' imprisonment. <p>(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.</p> <p>(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code.</p> <p>(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in subsection (1) of this section.</p> <p>[RT I, 04.04.2012, 1 - entry into force 14.04.2012]</p> <p>§ 133¹. Support to human trafficking</p> <p>(1) Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in any 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 5 years' imprisonment.</p> <p>(2) The same act, if:</p> <ol style="list-style-type: none"> 1) committed against two or more persons; 2) committed against a person of less than 18 years of age;

3) committed against a person in a helpless situation;
4) committed by taking advantage of official position, shall be punished by 2 to 10 years' imprisonment.
(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.
(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code.
[\[RT I, 04.04.2012, 1](#) - entry into force 14.04.2012]

§ 133². Pimping

(1) A person who organises meeting of a person engaged in prostitution with a client, owns, manages a brothel, aids prostitution or rents premises for keeping a brothel, or influences a person to cause him or her to commence or continue prostitution but the act does not have the necessary elements of an offence provided for §§ 133 or 1331 of this Code, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.
(2) The same act, if:
1) committed by a person who has previously committed an offence provided for in this section or §§ 133, 1331, 1333 or 175;
2) committed for the purpose of large proprietary gain, is punishable by 1 to 5 years' imprisonment.
(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.
(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code.
(5) For the purposes of this section, a brothel denotes any premises or limited area where a third party mediates engagement of two or more people in prostitution or aids engagement of two or more people in prostitution.
[\[RT I, 04.04.2012, 1](#) - entry into force 14.04.2012]

§ 133³. Aiding prostitution

(1) A person knowingly aiding prostitution if the act does not have the necessary elements of an offence provided for §§ 133, 1331 or 1332 of this Code shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.
[\[RT I, 04.04.2012, 1](#) - entry into force 14.04.2012]

§ 138¹. Forcing person to donate organs or tissue

(1) Placing a person in a situation where organs, tissue or cells are removed from him or her, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless situation or vulnerable situation of the person, and such act does not

comprise the necessary elements of an offence provided for in § 118 of this Code, is punishable by up to 5 years' imprisonment.

(2) The same act, if:

- 1) committed against two or more persons;
- 2) committed against a person of less than 18 years of age;
- 3) committed against a person in a helpless situation;
- 4) committed in a torturous or cruel manner;
- 5) serious health damage is caused thereby;
- 6) danger to life is caused thereby;
- 7) committed by two or more persons;
- 8) committed by taking advantage of official position,
- 9) serious consequences are caused thereby; shall be punished by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to be placed in a situation specified in subsection (1) of this section.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 139. Illegal removal of organs or tissue

Removal, for transplantation purposes, of human organs or tissue by a person with the corresponding right arising from law, if the person from whom the organs or tissue are removed has not been notified of the essential potential dangers arising from the removal of organs or tissue before he or she grants consent thereto, or if the person removing the organs or tissue was aware that the person from whom the organs or tissue are removed will receive remuneration therefore, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 140. Inducing person to donate organs or tissue

(1) Illegal inducing of a person to grant a consent for removal of his or her organs, tissue or cells, if the act does not have the necessary elements of an offence specified in §§ 118 or 138 of this Code, is punishable by a pecuniary punishment or up to one year of imprisonment.

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

[[RT I, 04.04.2012, 1](#) - entry into force 14.04.2012]

§ 175. Human trafficking in order to take advantage of minors

(1) A person who influences a person of less than 18 years of age in order to cause him or her to commence or continue commission of a criminal offence, begging, engagement in prostitution or working under unusual conditions or to appear as a model or actor in the

manufacture of a pornographic or erotic performance or work, but it does not contain the necessary elements of an offence provided for in § 133 of this Code, and a person aiding the above-mentioned activities of a person of less than 18 years of age, shall be punished by 2 to 10 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(3) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of 832 of this Code.”

The full text of Penal Code is available in English at website:

<http://www.legaltext.ee> .

There is special attention paid to prostitution in Advertisement Act as follows:

§ 25. Advertising of services offered for satisfaction of sexual desire

(1) Advertising of services offered for satisfaction of sexual desire, including advertising of prostitution or advertising referring to such services, is prohibited.

(2) Advertising contributing to intermediation of prostitution is prohibited