



REPUBLIC OF ESTONIA
MINISTRY OF JUSTICE

The Timing and the Number of Interviews

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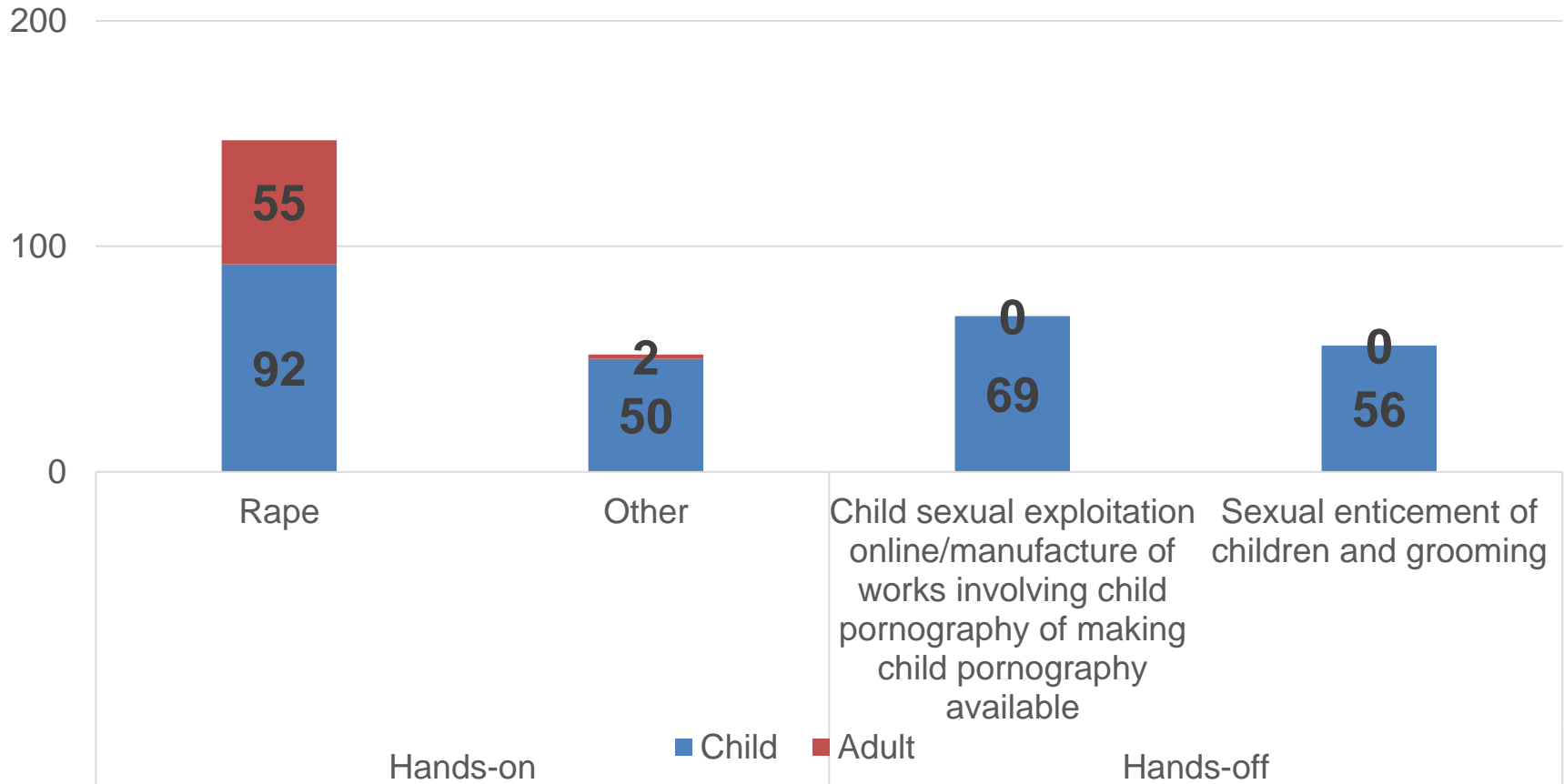
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Lanzarote convention

Article 35 – Interviews with the child

1. Each Party shall take the necessary legislative or other measures to ensure that:
 - a. interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities;
 - b. interviews with the child take place, where necessary, in premises designed or adapted for this purpose;
 - c. interviews with the child are carried out by professionals trained for this purpose;
 - d. the same persons, if possible and where appropriate, conduct all interviews with the child;
 - e. the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of criminal proceedings;
 - f. the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.



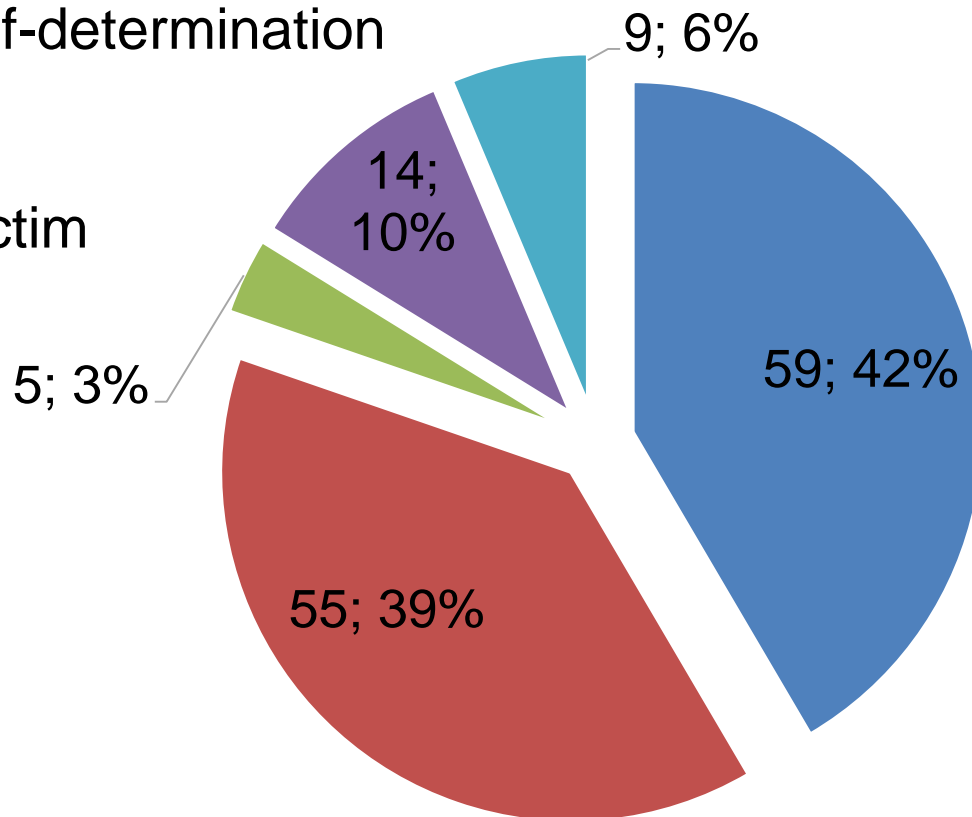
Registered sexual offences in 2014 in Estonia by type of offence and victim

Source: Crime in Estonia 2014. Ministry of Justice, 2015



Offences against Sexual Self-determination (child victims):

Relationship between the victim
and the alleged offender



- Family member
- Relative
- Not known

- Someone known to the child
- Stranger



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Domestic violence

Registered offences in 2014: 2721 total.

Of these involving children:

... at least in 21% of cases children as witnesses or victims of domestic violence (approx 570 cases, including sexual abuse).

.. of these in at least 240 cases children as direct victims of domestic violence (physical abuse, causing serious health damage, torture, placing in danger etc.)



Code of Criminal Procedure¹

§ 70. Specifications concerning hearing of witnesses who are minors

- (1) A body conducting proceedings may involve a child protection official, social worker, teacher or psychologist in the hearing of a witness who is a minor.
- (2) If a body conducting proceedings has not received appropriate training, involvement of a child protection official, social worker, teacher or psychologist in the hearing of a minor is mandatory if:
- 1) the witness is up to ten years of age and repeated hearing may have a harmful effect on the mind of a minor;
 - 2) the witness is up to fourteen years of age and the hearing is related to domestic violence or sexual abuse;
 - 3) the witness is with speech impairments, sensory or learning disabilities or mental disorders.



Code of Criminal Procedure¹

§ 70. Specifications concerning hearing of witnesses who are minors

(3) If necessary, the hearing of minors is video recorded. In the case specified in subsection (2) of this section, the hearing of minors is video recorded if the intention is to use such hearing as evidence in court proceeding because hearing of a minor directly in a court is impossible due to his or her age or mental state.

(4) A suspect has the right to examine during the pre-trial proceedings the video recordings specified in (3) of this section. The suspect or a counsel has the right to submit questions to witnesses during five days after the examining. A Prosecutor's Office shall review a request within five days as of the receipt thereof. Dismissal of a request shall be formalised by an order a copy of which shall be communicated to the person who submitted the request. Dismissal of a request shall not prevent re-submission of the request pursuant to the procedure provided for in § 225 of this Code or in the court proceeding.



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Timing: a study of hearings of child sexual abuse

In 8 out of 10 cases the hearing of the victim took place right/soon after the offence was committed: on the same day up to 3-4 weeks after the offence was committed, in 2 cases the crime was committed 3 years before reporting it (and therefore before hearing of the victim).

Kask, K. 2015: „Alaealise kannatanuga videosalvestatud ülekuulamiste analüüs“. Ministry of Justice, Criminal Policy Department 2015. Available in Estonian: <http://www.kriminaalpoliitika.ee/et/alaealiste-kannatanute-videosalvestatud-ulekuulamiste-analuus>



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The number of interviews

All hearings of the study were video recorded and in 9 out of 10 cases the hearing took place only once .

In one case (out of 10) the child was interviewed twice: first time in the evening and second time on the following day.

Kask, K. 2015: „Alaealise kannatanuga videosalvestatud ülekuulamiste analüüs“. Ministry of Justice, Criminal Policy Department 2015. Available in Estonian:
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Timing

Prosecution of cases of child sexual abuse
II half 2012.

Total number of proceedings: 38.

Time of registering the offence vs time of hearing.

On the same day: 28

In 1 day: 4

In 3 days: 1

In 4 days: 2

In 9 days: 1

In 34 days: 1

In 100 days: 1



Timing and the number of interviews

- Interview with the victim as soon as possible: first disclosure, avoid secondary victimization etc.
- As few interviews as possible
- Repeated interview carried out by the same person
- The defendant has the right to apply for submitting additional questions
- Depends on the case (type of crime, relationship between the suspect/accused and the victim), child, etc.
- Proper training: structure of the interview, posing questions, building trust etc.



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Thank you!

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