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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

ESTONIA

Replies registered by the Secretariat on 25 February 2014

Reply to question 4 registered by the Secretariat on 3 April 2014

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Introduction

This questionnaire received input on the national regulations and services offered by the state from the representatives of the Ministry of Justice, the Ministry of Social Affairs and the Police and Border Guard Board.

Activities and current achievements of NGO's were commented by NGO Estonian Advice Centre, which manages children's helpline 116111, and helpline 116000 for missing children; NGO Tartu Child Support Center, which has provided child victim support and sectoral training for nearly 20 years and NGO Estonian Union for Child Welfare, which, in addition to other activities guaranteeing the rights of children, also coordinates the Smartly on the web (Targalt internetis) project and a hotline for reporting child pornography and other unsuitable materials found online.

The preparation of this document focused mostly on answering questions as accurately as possible and it does not cover major sectoral developments planned for the coming years.

These developments include regional children's mental health centers, which will have child abuse diagnostic teams that would allow for improved and more child-friendly identification of victims of all different types of abuse.

In addition to the establishment of diagnostic teams, the post service network for child victims shall be improved as well. Particular attention will be paid for the fast access to services and consistent quality of services across the state.

Also, as Ministry of Justice's Development Plan for Reducing Violence for Years 2010-2014 is soon coming to an end, next years' focus in new development plan or act of intentions will be on child victims of sexual abuse and treatment of sexual offenders.

The new draft Child Protection Act, which hopefully will enter into force on 01.01.2015, shall include a ban on corporal punishment of children, which was not included in the earlier version of the Child Protection Act.

Question 1: Definition of “child”

Under the Republic of Estonia Child Protection Act § 2 (1) a child is a human being below the age of eighteen years. Under the Republic of Estonia Child Protection Act § 2 (2) a person must be treated as a minor, when their age is not known and there is reason to believe that this person is under the age of 18, until proven otherwise (entered into force on 28.12.2013). Under the Penal Code § 145 (1) a person under the age of fourteen is a child, and sexual intercourse or other acts of sexual nature with children are prohibited.

Question 2: Non-discrimination

Estonia has joined human rights instruments, including the UN Convention on the Rights of the Child (in 1991), where non-discrimination is one of the fundamental principles.

According to the Constitution of the Republic of Estonia § 12. Everyone is equal before the law. No one may be discriminated against on the basis of nationality, race, color, sex, language, origin, religion, political or other views, property or social status, or on other grounds.

Incitement to ethnic, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. Incitement to hatred and violence between social classes or to discrimination against a social class is also prohibited and punishable by law.

Under the Republic of Estonia Child Protection Act § 10: the child has an equal right to receive assistance and care and to develop, regardless of his or her sex or ethnic origin, regardless of whether the child lives in a two parent family or single parent family, whether the child is adopted or under curatorship, whether the child is born in wedlock or out of wedlock, or whether the child is healthy, ill or disabled.

Question 3: Overview of the implementation

All crimes stated in the Convention are punishable in Estonia, according to our Penal Code.

The Ministry of Justice has prepared „**Development Plan for Reducing Violence for Years 2010-2014**“.

The plan aims to reduce and prevent violence in its various forms. Strategic priorities are fighting in the juvenile violence, domestic violence and human trafficking.

The Ministry of Justice coordinates the implementation of the development Plan. Other participants in the implementation of the development plan are the Ministry of Education and Research, the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Foreign Affairs with their government agencies, local governments, and non-profit organizations.

The Ministry of Justice has also prepared „**Guidelines for Development of Criminal Policy until 2018**“, which considers the fight against serious offences, particularly sexual crime, against minors, as one of its

priorities. Also the priority in crimes committed by minors and against minors, is to ensure that such crimes would receive quick pre-trial proceedings.

The Ministry of Social Affairs in cooperation with the local governments and NGOs, should ensure that there is a sufficient number of shelters across Estonia. The police should inform the target audience on how to obtain help, and to direct people in need to victim support workers.

In 2005, the Minister of Justice and the Minister of Interior signed "**Laulasmaa declaration**" on crime fighting priorities, under which the ministers deem necessary to cover the Prosecutor's Office and the police forces share a common priority in fighting crimes committed by minors and crimes and organized crime against minors. The text of the declaration has been reviewed and revised several times, but the section about the minors has remained in all versions.

Development Plan for Reducing Violence for years 2010-2014 is available here: http://www.just.ee/orb.aw/class=file/action=preview/id=52311/Development_Plan_for_Reducing_Violence_for_Years_2010-2014.pdf. The Implementation Plan for the Development Plan for Reducing Violence for years 2010-2014 is available here: http://www.just.ee/orb.aw/class=file/action=preview/id=52232/Implementing_Plan_of_the_Development_Plan_for_Reducing_Violence_for_Years_2010-2014.pdf.

Necessary measures and activities:

4. measure Better protection of children against sexual offences

Activities

- 4.1. Systematizing legal regulation of restrictions related to working with children
 - 4.2. Supervision of observance of the restrictions related to working with children and assessment of the efficiency thereof
 - 4.3. Establishment of the treatment system for adult and minor sexual offenders
 - 4.4. Development of a more efficient system for supervision over sexual offenders
- Impact of measure 4: there are fewer possibilities that persons with background unsuitable for working with children are employed in such positions; the rehabilitation.

Necessary measures and activities

5. measure Development of the possibilities for supporting children who have fallen victim to crimes of violence

Activities

- 5.1. Specification of the obligation to report on a child in need of support
 - 5.2. Provision of the child helpline service
 - 5.3. Preparation and implementation of an in-service training program for specialists working with children
 - 5.4. Development of the national support system for child victims
- Impact of measure 5: all the specialists working with children are uniformly informed of the ways of reporting on a child in need of support and the ways of intervention and of the persons who shall be informed and

who are the possible cooperation partners - this way the uncertainty of the specialists upon reporting on an abused child (including in the case of suspicion of sexual abuse) will decrease. Provision of support to child victims has become more systematic and it helps to prevent a victim becoming an abuser.

6. measure Improvement of the investigation of cases of violence against children

Activities

6.1. Establishment of child protection services, which are specialized in child abuse matters, in the police prefectures

6.2. Launching of the virtual police project

6.3. Monitoring of the terms for the proceedings of criminal offences against persons with child victims

6.4. Creation of child-friendly interrogation possibilities

6.5. Regular training of bodies conducting proceedings of offences who deal with minors

6.6. Updating instructions for treatment of children and preparation of various methodological materials for the performance of acts (including interrogations) related to processing of offences concerning children.

Impact of measure 6: identification of the cases of violence against children is improved and the duration of pre-trial proceedings thereof shortens; the treatment of child victims in criminal proceedings is more child-friendly.

4. measure		Better protection of children against sexual offences			
Activities	Indicators	Term	Responsible	Resources	Explanations
4.1. Systematizing legal regulation of restrictions related to working with children	A draft concerning the extension of restrictions has been submitted to the Government of the Republic.	2011	MJ (in cooperation with MSA and MER)	Operating expenses of the relevant authorities	The restrictions shall be extended to all sexual offences, including elements of criminal offences and it shall be analyzed whether the restrictions are sufficient to cover also the volunteers working with children and the staff of child care institutions. For the extension of the restrictions it is necessary to amend several Acts in the area of responsibility of MJ, MSA, and MER.

4.2. Supervision of observance of the restrictions related to working with children and assessment of the efficiency thereof	The study has been carried out and a study report has been published.	2012	MJ	Operating expenses of MJ	The study analyses the awareness of people of the restrictions relating to working with children, how the restrictions are observed and what the results have been.
4.3. Establishment of the treatment system for adult and minor sexual offenders	1) Treatment guidelines have been prepared and approved.	2011	MSA	Operating expenses of MSA/external resources (300 000)	The abovementioned activities are the prerequisite for the implementation of the treatment system of sexual offenders: the treatment guidelines include the requirements for treatment and rehabilitation and are intended primarily for health care professionals for the assessment of therapeutic needs and the provision of treatment.
	2) The draft enabling treatment has been submitted to the Government of the Republic.	2010	MJ	Operating expenses of MJ	The Penal Code shall be amended in order to enable treatment and the availability of psychosocial intervention shall be ensured both, in the prison system and outside the prison, in order to provide complex treatment. Professionals shall be trained for the
	3) The availability of the rehabilitation program for sexual offenders is ensured in the prison system.	2011	MJ	Operating expenses of MJ	
	4) Professionals have been trained for the provision of treatment.	on an ongoing basis	MJ	Operating expenses of MJ/external resources 5 000 000 (1 000 000 a year)	

					provision of intervention and treatment.
4.4. Development of a more efficient system for supervision over sexual offenders	1) A risk assessment instrument which takes into account the specificities of sexual offenders has been taken into use in the prison system.	2011	MJ	Operating expenses of MJ	Amendment of risk assessment used in the prison system in order to improve making decisions on the imposition of imprisonment after serving the sentence, releasing a prisoner before the prescribed time, etc.
	2) The need to amend legal regulations has been assessed.	2012	MJ	Operating expenses of MJ	It shall be analyzed whether the current legal regulations are sufficient to ensure departmental supervision over sexual offenders.
5. measure	Development of the possibilities for supporting children who have fallen victim to crimes of violence				
Activities	Indicators	Term	Responsible	Resources	Explanations
5.1. Specification of the obligation to report on a child in need of support	1) The draft for amendment of the Republic of Estonia Child Protection Act has been submitted to the Government of the Republic.	2012	MSA	Operating expenses of MSA	The obligation of specialists and ordinary citizens to report on a child in need of assistance shall be specified in the Republic of Estonia Child Protection Act.

	2) Instructions for action for specialists working with children (including the network) have been prepared and approved*.	2011	MSA	Operating expenses of MSA, 100 000	The instructions provide an overview for specialists (including the support network) of who shall be informed of an abused child and how information shall be provided, in which cases and how one shall intervene and with whom and how one shall cooperate.
5.2. Provision of the child helpline service	A contract for the provision of the helpline service has been entered into*.	2010-2014	MSA	Operating expenses of MSA/funds of MER	Provision of a national child helpline service for both, children and adults, which is available 24 hours a day and where to one can report on a child in need of assistance and from where one can also ask for advice.
5.3. Preparation and implementation of an in-service training program for specialists working with children	1) Analysis of the curricula of the specialities having contact with children has been carried out and proposals have been made for the improvement of basic training and in-service training*.	2012	MSA, MER	Operating expenses of MSA and 100 000, operating expenses of MER	It shall be analyzed whether the curricula of child protection officials, social workers, social educators, health care professionals, school psychologists and other specialists treat adequately the topic of abuse of children and support of child victims and the rights of the child.

	2) The terms of reference of an in-service training program for child protection officials of local governments and social workers dealing with issues concerning children and the program have been drawn up and piloted*.	2013	MSA	Operating expenses of MSA and 300 000	The terms of reference should provide an overview of the content of the in-service training program for specialists working with children and the period after which the training shall be completed anew. In addition to the topic of violence, the in-service training program shall include the topics of unaccompanied and trafficked children (see clause 17.4.5.).
	3) The in-service program has been implemented*.	2014	MSA	Operating expenses of MSA	
5.4. Development of the national support system for child victims	1) The terms of reference have been drawn up for the establishment of the support system, the model of the support system has been developed and tested*.	2013	MSA	Operating expenses of MSA (it is necessary to apply for additional resources from the SBS 2013-2016)	The terms of reference should provide an overview of the services provided by the state to child victims all over Estonia. In the framework of the analysis the viewpoint of children concerning the availability of current services can be analyzed.
	2) The support system has been implemented*.	2014	MSA	Operating expenses of MSA/external resources	

The Ministry of Social Affairs has also prepared **Development plan for children and families 2012-2020**; one of its strategic priorities is the protection of children's rights and the development of an effective child protection system. 2 different events with the aim to involve children were carried out during the preparations of the development plan. In these discussions, children were able to raise their concerns about issues that, in their view, require more state support. Additionally, the preparation process for the

development plan involved more than 100 experts and NGO representatives, victim services organizations among them.

Question 4: Child participation

At state level involvement of children and listening to their opinion is essential. For the Development plan for children and families 2012-2020 special events for child participation were held and children's proposals for activities were added to the Action plan of the strategy. Children's Ombudsman works daily basis with proposals straight from children. NGO-s like Union of Child Welfare have their youth panels also working daily basis in schools and youth organisations.

Some former victims later join NGOs and start working for children's well-being. So far there isn't any organisation consisting just former victims of sexual abuse and also no public spokesperson with personal knowledge about this subject. Victim's views, needs and concerns are taken into consideration in determining the legislative measures if the victim or his/her family turns to legislative bodies, child protection organisations or Children's Ombudsman.

Question 5: Specialised bodies/mechanisms

At state level, children's unit has been established with the Office of the Chancellor of Justice, with function of the children's ombudsman performed by the Chancellor of Justice, whose mission is to: the role of the Children's Ombudsman is to:

- address appeals pertaining to children's rights in relation to the authority of the state;
- verify the compliance of laws pertaining to children with the legislation and the Constitution;
- carry out verification visits to institutions that provide public services for children;
- promote children's rights;
- impartially draw attention to child protection issues;
- conduct research related to children's rights;
- assist children and young people in starting societal discussions on issues important to them.

Under the Social Welfare Act § 24, if necessary, a local government shall establish a child welfare committee as an advisory body at a rural municipality or city government.

Statistics on recorded crimes is collected annually. The Ministry of Justice publishes a yearly collection of statistics, with separate chapters on juvenile crime and sexual crime.

Several international studies are used - such as Eurobarometer, EU Kids Online, ISRD (Juvenile Delinquency) and others.

Studies (e.g. Eurobarometer, 2008) have indicated that Estonian parents have little control over the use of the Internet by their children and they are rather careless about the network risks concerning their children.

For example, only fifty per cent of Estonian parents (74% on the average in EU) talk often to their child about what their child does in the on-line environment.

33% of Estonian parents are concerned about the possibility that their child is being bullied in the Internet (in EU as a whole the indicator is 54%). 39% of Estonian parents (the average of 60% of the parents in EU) are either very concerned or concerned that their child may fall victim to sexual abuse in the Internet. Only 29% of Estonian parents (the average of 49% of the parents in EU) have set restrictions to visiting certain websites.

For the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention there are following registers active:

Estonia has a national **DNA register**, which is developed, maintained and hosted by a state agency Centre of Registers and Information Systems, administered by the Ministry of Justice, in cooperation with authorized processor. The establishment and keeping of the register was carried out in order to process data received from the analysis of legally obtained and recorded DNA samples. After a DNA sample is taken, a sample code, reference to an underlying document and a DNA profile is entered to the register. Personal information is entered into the forensic information system, which chief processor is the Ministry of Justice.

Following information is entered into **the Forensic Information System**:

- 1) data on expert analyses and studies, including personal data;
- 2) data on materials and physical evidence submitted for expert analyses and studies;
- 3) data on paid studies unrelated to procedural matters, including personal data;
- 4) data on reference materials.

Details of the person punished and their punishment shall be entered in **the Punishment Register**. The Ministry of Justice is the chief processor of the Register.

Question 6: National or local coordination, cooperation and partnerships

At the state level, the Ministry of Justice coordinates activities under the Implementing Plan of the Development Plan for Reducing Violence. In addition, the state coordinates a human trafficking mailing list, which involves ministries, NGOs, service providers, universities and others, in order to exchange information.

Since we are a small state, it is easier to cooperate with various organizations. Cooperation is mainly ensured by cooperation agreements or by law, but also with guidelines. The cooperation between state agencies is chiefly ensured by law or guidelines; with NGOs by cooperation agreements.

Question 7: International cooperation

Several NGOs, such as Estonian Union for Child Welfare and Tartu Child Support Center also engage in international collaboration.

Estonian Union for Child Welfare coordinates a hotline (Vihjeliin) and through that is an active member of INHOPE network.

Tartu Child Support Center is a member of ECPAT network. Over the past seven years, they have cooperated with Belarusian colleagues in the scope of various projects, arranging training for various professionals.

In the scope of development cooperation, corresponding projects are underway in both Belarus (Belarusian-Estonian cooperation project for helping abused children) and in Moldova (Moldova-Estonian cooperation for supporting physically and sexually abused children), which are funded by the Estonian Ministry of Foreign Affairs.

Question 8: Education, awareness raising and training

Stopping and prevention of human trafficking from the perspective of education, is generally covered in the field of social studies (e.g. humanities and social studies) in the basic schools' and upper secondary schools' curricula. This is primarily covered in the social studies third stage of studies curriculum and the first compulsory course in the social studies at gymnasium level. The Ministry of Foreign Affairs organizes briefings in Estonian schools, which also cover the issues of human trafficking. Social studies teachers are trained in the matter, and human trafficking information is updated in the academic literature on an ongoing basis.

In 2009, the Ministry of Social Affairs coordinated the preparation of "Guidelines for Identifying and Assisting Trafficking Victims", which is designed for internal use only. This guide also covers juvenile victims and the assistance of juvenile victims.

State Prosecutor's instructions and annual training for prosecutors and judges are also operating continuously.

One of the duties of the Police and Border Guard is to attend schools and train teachers; officials also participate in the preparation of materials, to raise the awareness among teachers. Starting from 01.06.2011, Estonia has web constables, who can be contacted in different portals (incl. Facebook) and also by e-mail. Some of the issues will be resolved by advice, but there are also those, that shall be reported to the police stations in corresponding regions for information or processing. There are no age limits, and Estonian, English or Russian is the preferred language of correspondence. The goal of web constables is to provide advice, they cannot prosecute offences.

In the third sector, for example Tartu Child Support Center, has conducted training sessions and group work in specialized schools in the scope of various projects (e.g. in 2012/2013 they conducted group work with children in children's homes, specialized schools for sight and hearing impaired children, in Tartu Christian

Home, Käopesa substitute home, Valga Children's home, Taheva Children's Sanatorium, Kohtla-Järve Gymnasium.) Informational events for parents were conducted in all Tartu kindergartens; the Support Center experts also carried out trainings for parents in Krootuse and Mammaste schools in Põlva County. The Support Center has also organized training sessions for experts on how to talk to children on these topics (training sessions for NGO Shalom employees in Pärnu, child protection workers in Tudulinna, social workers in Jõhvi region.) Starting from 1997, the Support Center organized twice a year training to support persons on how to deal with at-risk children (various topics always include how to talk to children about potential dangers of abuse and how to avoid them). They have also participated in international campaigns, translated a booklet "Child Sex Tourism: How to Protect Children from Sexual Exploitation," have worked with ECPAT, which launched an e-course "How to protect children from sexual exploitation in travel and tourism" in various languages, and presented the materials in international tourism fairs for several consecutive years.

The project Smartly on the Web has operated since 2010.

The scope of the project includes training courses and discussion groups for children, parents, teachers and social workers, and outreach events to general public; preparation of education and outreach materials for children, teachers and parents; organizing creativity contests for students; children hotline 116111 (www.lasteabi.ee) provides advice and information to children and parents about the safe use of the Internet by phone and MSN chat (user: info@lasteabi.ee); operating a web-based hotline www.vihjeliin.ee, which allows Internet users to inform about web environments that contain material that infringes on child's sexual self-determination. Hotline can also be used to inform about internet materials with inappropriate content for children; parties collaborate with various interest groups in Estonia and Europe, participate in INHOPE and Insafe cooperation network.

Activities are conducted by 4 organizations:

Innovation Center of the Educational Foundation for Information Technology (Hariduse Infotehnoloogia Sihtasutuse innovatsioonikeskus) manages training and outreach activities;

NGO Estonian Union for Child Welfare ensures the operation of the hotline and participates in training and outreach activities;

NGO Estonian Advice Centre (manages children's hotline 116111) advises children and parents on issues arising from the use of the Internet and digital media tools and also participates in outreach activities;

Police and Border Guard Board participates in all activities according to their competency.

The scope of this project also includes Youth Panel and Advisory Body, where the representatives of interest groups use their knowledge and experience to support the implementation of the project.

Legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention:

The Advertising Act § 25 prohibits advertising services for satisfaction of sexual desire, as well as advertising referring to such services. § 24 of the same Act prohibits advertising for work which contains pornography, violence and cruelty. According to basic requirements set out in § 3, advertising may not contain inappropriate nudity, depict sexual intercourse or persons as sex objects and use phrases or imagery with sexual undertones. Section 9 sets specific requirements for the use children in advertising.

Additionally Penal Code § 178 and 179 (in more detail after question 16).

Question 9: Recruitment and screening

Employers are required to verify if the person they are hiring has been punished for sexual offences.

Person who has been punished or who is a subject to involuntary treatment for the sexual exploitation or abuse of a child or children, is not allowed to work with children, if the information concerning punishment of such person have not been deleted from the punishment register according to the Punishment Register Act, or if the information concerning punishment of such person have been deleted from the punishment register and entered to the punishment register archive. (Republic of Estonia Child Protection Act § 51¹ (1))

A person working with children is a person in direct contact with a child in their professional activities, as well as voluntary activities, alternative service, provision of employment service or a person working as a trainee having a direct contact with children. (Republic of Estonia Child Protection Act § 51¹ (2))

An employer who employs a person for work or service related to children if it is prohibited based on law, or a person authorized to issue activity licenses, issuing an activity license for provision of services to children if this is prohibited by law shall be punished. (Penal Code - § 179¹ (1))

Under the Punishment Register Act § 20 (1) 9), the following persons, inter alia, have the right to receive data from the archives of the register

9) an employer hiring a person to work with children in the meaning of the Republic of Estonia's Children's Protection Act for the purposes of verification whether a person complies with the requirements provided by law upon hiring a person for employment or service, alternative service, voluntary service, provision of employment services or training involving minors or an entitled person upon grant of an activity license for provision of services to minors.

Same requirements are also applied to volunteers (Republic of Estonia Child Protection Act § 51¹ (2); Penal Code § 179¹ and Punishment Register Act § 20 (1) 9)).

179¹. Employment of person prohibited, based on law, from working with children

(1) An employer who employs a person for work or service related to children if it is prohibited based on law, or a person authorised to issue activity licenses who issues an activity license for provision of services to children if this is prohibited by law shall be punished by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros. [RT I 2010, 22, 108 - entry into force 01.01.2011]

In 2012 nor 2013 no offences were registered under the article 179¹.

Question 10: Preventive intervention programmes or measures

Legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed.

In such case, a person can turn psychiatrist, sexologist or other specialist for help, while covering their own costs. Sentenced persons are offered integrated treatment aimed at sex offenders.

Legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures:

Integrated treatment is provided for sex offenders who have committed an offence as a result of treatable or controllable mental illness and there is a risk that they will commit similar offence in the future.

Treatment is provided only to an adult person. The target audience is individuals who have committed sexual offences and who are also diagnosed with paedophilia or other sexual disorder (paraphilia).

Treatment consists of subject a person to outpatient care, with the aim of treatment or control of the mental disorder due to which such person committed the crime.

In making treatment proposal, the court shall understandably consider the circumstances concerning the crime, the convicted person, their earlier life, their living conditions as well as the consequences which the application of addiction treatment/integrated treatment may lead to.

An investigative body and a Prosecutor's Office may request, by an examination ruling, the opinion of a forensic psychiatric expert on the need for the administration of addiction treatment or complex treatment to the suspect or accused. A forensic psychiatric expert shall ascertain the state of health of a suspect or accused and prepare an expert's report on it. (Code of Criminal Procedure § 221¹)

Treatment is provided only upon consent of the subject.

A person has the right to discontinue the treatment, but in this case they must go to prison to carry out their sentence.

- **Prison offers rehabilitation program for sex offenders, aimed** at helping the person who committed the sex crime to understand their crime and the circumstances that led to it. The program is designed for mentally health prisoners, whose sentence or individual treatment program conditions specify the participation in relapse prevention program. Voluntary joining is allowed.

2) Integrated sex offenders' treatment as a prerequisite for partial substitution of imprisonment or release on parole

Penal Code § 69²

If an imprisonment of six months up to two years is imposed on a person for an act which he or she committed due to a treatable or controllable mental disorder, the court may substitute the imprisonment by treatment. Treatment may also be applied as prerequisite for release on parole.

The term of treatment shall be not shorter than eighteen months and not longer than three years. The Cost of integrated treatment for sex offenders shall be compensated by the state. (In addition to Penal Code § 69², a regulation of the Minister of Justice on the preparation, implementation and monitoring of integrated treatment of sex offenders is also applicable.)

Question 11: Participation of the private sector, the media and civil society

The state financial supports the third sector involvement in achieving national goals through monthly or yearly funding projects provided by the Council of Gambling Tax.

Tartu Child Support Center has collaborated with ECPAT on e-course "How to protect children from sexual exploitation in travel and tourism", in introducing the Estonian language version to businesses and tourism enterprises. We have introduced this course in tourism companies, hotels and tourism fairs. The course is aimed at thousands of companies and enterprises around the world, which have signed the Child Protection Code. One of the clauses of this Code requires that employees should be trained to deal with various issues related to sexual exploitation of children that arise in tourism and travel. E-learning course is the first step in implementation of this clause and thus an important step in protecting children.

So far, the response from the tourism industry has been very positive. Interest groups and partners consider the course innovative and relevant, as it accessible, free and effective. Although e-learning courses cannot replace in-depth training by child protection experts, it creates a good foundation to improve competence in the future.

Fr Shay Cullen from Philippines, in collaboration with EPCAT, visited Estonia and held lectures at Tallinn University and for tourism students of Tartu Vocational School.

We have continued to cooperate with the media through interviews and commentaries in various daily newspapers, magazine articles on sex education, abuse and young abusers (e.g. "Märka last", "Pere ja kodu", etc.).

NGO Estonian Union for Child Welfare has published a book "Protect Me from Everything". The book has been prepared by Finnish experts, translated into Estonian and adapted to Estonian conditions by NGO Estonian Union for Child Welfare. The book, which is primarily intended for professionals working with and for children, provides an overview of the role of Internet and digital communication means in the sexual exploitation of children. Specialists in different fields have the chance to spot and prevent sexual exploitation of children and to act in the interests of children's well-being in their respective fields. The book is also available in digital format at <http://www.targaltinternetis.ee/artiklid/trukised/>. NGO Estonian Union for Child Welfare has cooperated with local governments in conducting thematic workshops to inform child protection workers, social workers and other professionals working with children on the role of Internet and

digital communication means in the sexual exploitation of children and how to prevent and combat this by working together.

NGO Estonian Union for Child Welfare informs of public hotline and its work via various media channels (television, radio, web portals), and uses outreach events to inform teachers, parents and also children and young people.

NGO Estonian Advice Centre is involved in project "Smartly on the Web", with a mission to teach children and parents about smarter use of Internet and to restrict illegal content on Internet. This project mission includes prevention and stopping the sexual exploitation of children by using helpline 116 111, hotline and overall notification of harmful materials in Internet. Web-based hotline www.vihjeliin.ee allows internet users to notify of web environments which contain materials that infringe on children's sexual self-determination. The project is conducted in close cooperation with the Estonian Information System's Authority, Microsoft Estonia, and Estonian Association of Information Technology and Telecommunications, which are all part of the project's advisory body. Cooperation between the parties is close, and all the members contribute their knowledge and experience to obtain the project results. This year, the Safe Internet Day of the "Smartly on the Web" project, involves a lot of cooperation with banks and telecom representatives. Cooperation partners included banks such as Swedbank and Nordea and CERT Estonia and Nutikaitse. The willingness of information technology and communications organizations to cooperate with organizations involved in social projects, in order to give their contribution to preventing and solving social problems is increasing.

NGO Estonian Advice Centre is also involved in Daphne program, which deals with the issue of missing children. Children's helpline 116111 and missing children's helpline 116000 services is provided in cooperation with the Ministry of Social Affairs for 24 hours a day. Information that has to be forwarded, such as sexual and physical abuse and sexual exploitation of children, shall be forwarded immediately to the police and social work specialists, who are usually local government social workers or child protection workers.

Every year, the children's hotline organizes media campaigns. The message of the outdoor media campaign for the last year was "I'm all ears", with the aim to let children know that they can use the children's hotline for any of their concerns, be they big or small. Mediums used in the campaign were Internet, television, radio, print and outdoor media (big boards, posters on public transport). NGO has set itself the objective to inform the Estonian society about the existence of such a channel which can be notified of everything and through this campaign we have also been able to prevent sexual offences and to help children who have fallen victim of sexual exploitation.

NGO has home pages www.lasteabi.ee and www.116000.ee, also FB subpage „Et ükski laps ei jääks abita, kui ta seda vajab!“

As NGO Estonian Advice Centre is also a member of Missing Children Europe organization, and one of their mission priorities is to make sure that cooperation organizations would be engaged in helping sexually abused children, the next campaign is specifically targeted at the topic of sexual abuse and sexual exploitation of children.

An intensive publicity campaign takes place every year in February in the scope of "Smartly on the Web" program's Safe Internet Day. A series of outdoor campaigns will be organized, articles published, online safety will be discussed on TV and Internet safety conference will take place as usual. This project covers

various topics, starting from how to use the Internet safely and by ending it for example with what to do in situations where nude images or videos of children are found and how to punish the holders and makers of such videos.

Additionally, NGO has conducted necessary research for launching Clinical Sexology Competency Center (Kliinilise seksuologia kompetentsikeskus - KSKK). In Estonia, treatment and rehabilitation of sex offenders and integrated treatment of sexual disorders is in relatively early stages of development. A requisite of integrated treatment is an underlying principle that in case of criminalized sexual disorders, in addition to imposing and serving a punishment, it is also important to organize parallel treatment, prepare individual treatment programs, ongoing evaluation of treatment results, and making decisions regarding the continuation and/or termination of treatment. International experiences show that to reduce the recidivism rates of sex offenders, increasingly varied forms of treatment have been used and integrated treatment (medication combined with therapy/counselling) has given the most results. By creating a competency center, which would offer criminals a sustainable health service delivery, effective treatment for sex offenders, early intervention for voluntary help seekers, could also significantly prevent sexual abuse and exploitation against children.

Question 12: Effectiveness of preventive measures and programmes

Efficacy is measured in preparing the following publications:

- The Report on the Implementation Plan of the Development Plan for the Reduction of the Development Plan for Children and Families is prepared in cooperation with ministries and other agencies on a yearly basis and the report is submitted to the government for approval at the beginning of each year.
- The Report on the Implementation Plan for Development Plan for Reducing Violence is prepared in cooperation with ministries and other agencies on a yearly basis and the report is submitted to the government for approval at the beginning of each year.
- Yearly publication of Crime in Estonia
- Yearly preparation of Criminal Policy Development Trends until 2018 and submission of performance report.
- The analysis division of the Ministry of Justice conducts a variety of impact analyzes per year. Specific topics are selected according to the need and approved in the Ministry's work plan.

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

Job descriptions and professional ethics require professionals working with children to operate under principle of confidentiality and use information responsibly. Collection and sharing of information and data should only take place in the context of professional activities. No information should be released without client's prior knowledge and consent, except in cases, where the client cannot take responsibility or could be seriously jeopardized. Child abuse or exploitation is a clear example of an instance, which puts the child's health and further development in serious risk, and advisors should inform experts, including the police, of such cases. Ensuring the health and welfare of a child exceeds the overall requirements of confidentiality. Child support advisors are subject to confidentiality requirements which should ensure the anonymity of callers, but if the caller is a child in danger, such rules should be set aside and appropriate entities should be notified about a child in danger.

Republic of Estonia Child Protection Act § 59 (1) provides that every person is required to immediately notify the social services departments, police or some other body providing assistance if the person knows of a child who is in need of protection or assistance. Police, social workers or some other body providing assistance should be notified. Conditions, under which such notification is necessary, are so far left for people to interpret on their own, but the new draft Child Protection Act, which hopefully will take effect next year, shall provide that in case of a child in need, local government, children's helpline 116 111, or emergency call number 112.

General requirement is provided by Personal Data Protection Act § 10, under which a personal data protection regulations do not prevent a person who works with children to report a child in need. A person working with children who sees or suspects sexual abuse, must notify child protection services or a social worker in their area, and the police. [Manual „Lastekaitsetöö kohalikus omavalitsuses“ (Child Protection Work in Local Government) issued by the Ministry of Social Affairs, 2004]

Naturally a service provider has the obligation to confidentiality, but only up to the point where they have reasonable grounds to believe that a child is still at risk or violence continues or may repeat, whereupon they must notify of a child in need in order to protect the child.

Question 14: Helplines

In January 2011, NGO Estonian Union for Child Welfare launched a web site www.vihjeliin.ee, with the aim to stop the spread of materials infringing upon the rights, honor and dignity and physical integrity in Internet. The website www.vihjeliin.ee provides Internet users, who notice illegal materials on the web – sexual exploitation of children, child trafficking (human trafficking), etc. – an opportunity to inform of such materials. Hotline also accepts tips regarding other materials inappropriate for minors. Information can be submitted using a simple form on the main page at www.vihjeliin.ee. Information can be submitted without disclosing personal data.

In stopping the spread of materials depicting child abuse, NGO Estonian Union for Child Welfare cooperates closely with the Police and Border Guard Board and corresponding reciprocal agreement was signed on 25 May 2011.

In the scope of the hotline, NGO Estonian Union for Child Welfare also collaborates with other law enforcement agencies, internet service providers and NGOs.

In November 2011, Estonian Hotline joined the International network INHOPE, which links the hotlines of various states. INHOPE network www.inhope.org was established in 1999 and currently it connects 44 hotlines in 40 countries across the globe. The network promotes and supports the collaboration between the hotlines of different countries in combatting the spread of materials depicting sexual abuse of children on the web.

In 2013, the hotline website received 978 tips, which were handled according to hotline work instruction. 37 of these messages contained information about illegal content - material depicting sexual exploitation of children - which was transmitted through INHOPE notification system to corresponding country's hotline and also to Estonian Police and Border Guard Board.

Estonian Advice Centre offers advisory services through child support line (116 111) as well as missing children's hotline (116 000). As mentioned before, the aim of the children's helpline is to allow all the parties to promptly inform about a child in need, to ensure that the information received shall be forwarded to relevant experts and to offer social counselling and, if necessary, crisis counselling for children and people dealing with children. Child support line is also connected to Internet advisory service through www.lasteabi.ee environment and Skype environment. Missing Children's helpline can also be used to report missing children, whereupon advisors will provide initial guidelines for action and conduct the initial crisis counselling.

Estonian Advice Centre became a member of Missing Children Europe (MCE) union in 2012. MCE is the European Federation for Missing and Sexually Exploited Children, which aims to ensure that every EU Member State would have an organization involved in the support of missing and sexually abused children; to promote the cross-border cooperation between these relief agencies and to assist its members in dealing with public authorities in order to achieve fast, efficient and accurate implementation of European legislation pertaining to missing and sexually exploited children.

State support for the children's helpline is reflected both in the Development Plan for Reducing Violence and the Development Plan for Children and Families. The new draft Child Protection Act states that 116 111 number is one of the channels for reporting about a child in need.

Question 15: Assistance to victims

Types of assistance described in Article 14 are provided to victims of sexual exploitation and sexual abuse of children

The police interaction with the victim is governed by the Guidelines of the Prosecutor General and the Police and Border Guard Board directive, which set out how to handle underage victims. Additional source is the Code of Criminal Procedure. Children are interviewed and handled only by trained police professionals and child's hearing is conducted in a special room. Interviews are video-recorded to avoid repeated interrogations and re-exposure to offender. Children are communicated in language

understandable to victims, all activities involving such children are explained to them in an understandable way. Psychologist/social pedagogue or other suitably trained specialist is involved, whenever necessary.

After crime or misdemeanour comes to light, the primary form of assistance is national victim support service. Victim support service is ensured by the Estonian National Social Insurance Board, which is governed by the Ministry of Social Affairs.

A person has the right to receive a victim support service aiming at maintaining or enhancing the ability to cope of persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse (Victim Support Act § (3) 1)).

Main services provided are counselling of victims, assisting victims in communicating with state and local government authorities and legal persons, ensuring safe accommodation, ensuring catering, ensuring access to necessary health services, providing necessary material and psychological assistance. (Victim Support Act § (3) 2)). If a child is a secondary victim, the right to services, counselling in particular, extends to them.

It is important to remove a child from their family immediately, if the suspicion that the abuser was a family member is confirmed. It is possible to place a child in a shelter (Manual „Lastekaitsetöö kohalikus omavalitsuses“ published by the Ministry of Social Affairs, 2004).

The court may separate a child from parents only if it is not possible to prevent damage to the child's best interests by introducing other support measures meant for children and parents.

A court may separate a child from the parents only if damage to the interests of the child cannot be prevented by other supporting measures applied in the relationship between the parents and the child. If leaving a child in his or her family endangers the health or life of the child, a rural municipality government or city government may separate the child from the family before a court ruling is made. In such case the rural municipality government or city government shall promptly submit an application to a court for restriction of parental rights with respect to the child.

(Family Law Act § 135)

All activities aimed at children must be in the best interests of the child, this proceeds from the UN Convention on the Rights of the Child, which Estonia has signed, as well as domestic law (Child Protection Act §3); separation of a child from family is regulated by the Family Law Act and the court decides it on the proposal of the local government. A child shall not be separated from his or her parents without any legal basis. A short-term family separation is allowed without a court's decision, but after the separation of a child from family, a corresponding application must be submitted to the court immediately.

§ 3. Victim Support Services

(1) For the purposes of this Act, victim support service is a public service, aiming at maintaining or enhancing the ability to cope of persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse.

(1¹) A victim of human trafficking is a person in the case of whom criminal proceedings have been commenced with regard to the criminal offence committed against him or her based on the elements of criminal offence specified in §§ 133-133³, 138-140 or 175 of the Penal Code.

[RT I, 18.04.2013, 2- entry into force 28.04.2013]

(1²) For the purposes of this Act, a sexually abused minor is a person under the age of 18 in the case of whom criminal proceedings have been commenced with regard to the criminal offence committed against him or her based on the elements of criminal offence specified in §§ 141-146, 178-179 or 180 of the Penal Code.

[RT I, 13.12.2013, 5- entry into force 23.12.2013]

(1³) If the age of the person who is a victim of human trafficking or sexual abuse is unknown and there are reasons to believe that the person is under the age of 18, the person is deemed to be a minor until the contrary is proved.

[RT I, 18.04.2013, 2- entry into force 28.04.2013]

(2) Provision of victim support services includes:

- 1) counselling of victims;
- 2) assisting victims in communicating with state and local government authorities and legal persons;
- 3) ensuring safe accommodation;
- 4) ensuring catering;
- 5) ensuring access to necessary health services;
- 6) providing necessary material assistance;
- 7) providing necessary psychological assistance;
- 8) enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services;
- 9) providing other services necessary for physical and psycho-social rehabilitation of victims.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

§ 3¹. Provision of victim support services to minor victims of human trafficking and sexually abused minors

(1) If minor victims of human trafficking, sexually abused minors or minors specified in subsection 3 (2²) of this Act need safe accommodation, substitute home service or foster care may be provided instead of the service specified in clause 3 (2) 3) of this Act on the terms and conditions of the Social Welfare Act.

(2) If substitute home service or foster care is provided to a person specified in subsection (1) of this section, the Social Insurance Board shall prepare a case plan for such person on the terms and conditions and pursuant to the procedure provided for in §§ 29¹ and 29² of the Social Welfare Act. The case plan is signed by a representative of the Social Insurance Board and a legal representative of the minor.

[RT I, 18.04.2013, 2- entry into force 28.04.2013]

Question 16: Criminal law offences

Intentional conducts in the box below are considered criminal offences by Estonian internal law. Estonian Penal Code is available online in English: <https://www.riigiteataja.ee/en/eli/523122013003/consolide>

Chapters are marked in text. (§ 141-145 and § 175-179.)

1) Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities; (Penal Code § 145 (1))

2. Engaging in sexual activities with a child where

- use is made of coercion, force or threats; (Penal Code § 133 (1), § 141)

- abuse is made of a recognised position of trust, authority or influence over the child, including within the family; (Penal Code § 143² (1);)

- abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence. (§ 143² (1), however § 133 and 175 are also possible)

The above-mentioned crimes are all offences under the Penal Code. Punishments for crimes that have been committed against a person under 14 years of age, are more stringent.

2) Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution; (§ 175 (1))

2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes; (§ 133 (1), § 133¹ (1), § 133² (1), § 133³ (1), § 175)

3. Having recourse to child prostitution. (§ 145¹ (1))

Punishment for engaging in sexual intercourse with a person of less than 14 years of age for money or any other benefits shall be more stringent.

3) Child Pornography (Article 20)

1. Producing child pornography; (§ 178 (1))
2. Offering or making available child pornography; § 178 (1) (§ 179)
3. Distributing or transmitting child pornography; § 178 (1)
4. Procuring child pornography for oneself or for another person; § 175¹ (1), § 178 (1)
5. Possessing child pornography; § 178 (1)
6. Knowingly obtaining access, through information and communication technologies, to child pornography. § 175¹ (1)

Under Penal Code, a deliberate viewing and manufacturing, obtaining or storage, handing over, displaying or making available in any other manner of pornography and also erotic performance and erotic situation in pictures, writings or other works or reproductions of works is punishable.

In case of a child under 14 years of age, a deliberate viewing of erotic performance is punishable, as well as the manufacture of erotic reproduction, acquisition or storing, handing over, display or making available in any other manner.

4) Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances (§ 175 (1))
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes (§ 175 (1))
3. Knowingly attending pornographic performances involving the participation of children. (§ 175¹ (1))

All the above-mentioned acts are crimes.

5) Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate. Penal Code § 179

All the above-mentioned acts are crimes.

A person who hands over, displays or makes otherwise knowingly available pornographic works to a person of less than 14 years of age is also punishable:

§ 179. Sexual enticement of children

(1) A person who hands over, displays or makes otherwise knowingly available pornographic works or reproductions thereof to a person of less than 14 years of age, engages in sexual intercourse in the presence of such person or knowingly sexually entices such person in any other manner is punishable by a pecuniary punishment or up to 3 years' imprisonment.

6) Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting. **Penal Code § 178¹**

All the above-mentioned acts are crimes. Our domestic provision is broader, as it covers offline grooming as well, although the Convention only requires punishment for online grooming:

§ 178¹. Agreement of sexual purpose for meeting with child

(1) Making a proposal for meeting a person of less than 18 years of age who was not capable of comprehending the situation, or a person of less than 14 years of age, or concluding an agreement to meet him or her, and performance of an act preparing the meeting, if the aim of the meeting is to commit an offence provided for in § 133, 133¹, 141–145¹, 175, 175¹, 178 or 179 of this Code with respect to the specified person, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

7) Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

Abettor and abider are punished by the same provision of the law as the perpetrator. A person is also responsible for an attempted crime.

Question 17: Corporate liability

In cases provided by Estonian law, a legal personality is responsible for an act that is committed by its body, its member, senior employee or a qualified representative in the interests of such legal person.

Legal entity is responsible for the above offences pursuant to the same grounds as natural person.

All provisions except § 144 provide the liability of a legal entity. In case of § 144 it could not be possible even theoretically, as a legal person cannot have descendants/children. In all other compositions, the responsibility of a legal entity is provided.

Question 18: Sanctions and measures

Natural person is sentenced either a pecuniary punishment or imprisonment for up to 15 years, depending on the severity of the crime.

Legal entity is sentenced either a pecuniary punishment or a compulsory dissolution. Pecuniary punishment may be imposed to a legal entity as an additional punishment to compulsory dissolution. The court may sentence a legal entity to compulsory dissolution for a crime, if criminal activities have become a part of legal entity's operations.

It is a criminal offence.

Estonia does not punish a person who has already been punished for the same crime in a foreign country. Estonian citizen may receive a punishment in another country for a crime for which they have already been punished in Estonia.

Code of Criminal Procedure § (3) 1 - Criminal procedural law applies in the territory of the Republic Estonia. Criminal procedural law also applies outside the territory of the Republic Estonia if this arises from an international agreement or if the object of the criminal proceeding is an act of a person serving in the Defence Forces of Estonia.

Penal Code § (2) 3 - No one shall be punished more than once for the same offence, regardless of whether the punishment is imposed in Estonia or in another state.

The Constitution of the Republic of Estonia § 23 (3) - No one may be prosecuted or sentenced for a second time for an act in respect of which he or she has been the subject of a final conviction or acquittal pursuant to the law.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, following jurisdiction rules apply: **Penal Code § 6-9 and 11**.

Question 20: Aggravating Circumstances

Aggravating circumstances are self-interest or other base motives; commission of the offence with peculiar cruelty, or degradation of the victim; commission of the offence knowingly against a person who is in a service, financial or family-related dependent relationship with the offender; commission of the offence during a state of emergency or state of war; commission of the offence by taking advantage of a public accident or natural disaster; commission of the offence in a manner which is dangerous to the public; causing of serious consequences; commission of the offence in order to facilitate or conceal another offence; commission of the offence by a group; taking advantage of an official uniform or badge in order to facilitate commission of the offence. (Penal Code § 58)

Question 21: Measures of protection for the child victim

An investigative body or Prosecutor's Office is required to explain to the victim of their rights and obligations and of state legal assistance options.

Children may be provided with a special guardian for the protection of their rights, they are also entitled to apply for state aid. If necessary, a hearing interpreter shall be involved in the hearing, court session.

The court may involve a child protection worker, social worker, teacher or a psychologist for witnesses under 14 years of age; who may then question the witness with the permission of the judge.

Body conducting proceedings may also call for a child protection worker, social worker, teacher or a psychologist to participate in the interview of a witness under 14 years of age.

A person is entitled to victim support service aiming at maintaining or enhancing the ability to cope of persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse. (Victim Support Act § 3 1))

Main services provided are counselling of victims, assisting victims in communicating with state and local government authorities and legal persons, ensuring safe accommodation, ensuring catering, ensuring access to necessary health services, providing necessary material and psychological assistance. (VSA § 3 2))

A court may declare that a session or a part thereof be held in camera in the interests of a minor (Code of Criminal Procedure § 12 (1) 3)). A court may remove a minor from a public court session if this is necessary for the protection of the interests of the minor (Code of Criminal Procedure § 11 (4))

When covering crime, court cases and accidents, the journalist shall consider whether the identification of the parties involved is necessary and what suffering it may cause to them. Victims and juvenile offenders shall not be identified as a general rule. (The Code of Ethics for the Estonian Press, clause 4.8.)

Minors shall be interviewed, as a general rule, only in the presence of or with the consent of the parent or guardian. Exceptions can be made to this rule if the interview is intended to protect the interests of the child or if the child is already under close public attention (The Code of Ethics for the Estonian Press, clause 3.6.)

For protection of private life or other personality rights of a child, a person suspected or accused of a crime against a minor may be prohibited to stay in places determined by a court, to approach the persons determined by the court or communicate with such persons. (Code of Criminal Procedure § 141¹ (1)) The court may apply, for protection of private life or other personality rights of the victim, a restraining order with a term of up to three years to an offender convicted of a crime against a minor. (Code of Criminal Procedure § 310¹ (1))

The investigating judge may, at the request of the Prosecutor's Office to make the witness anonymous for their own safety. (Code of Criminal Procedure § 37)

The victim shall receive information about the execution of the prison sentence.

The victim may communicate with a prison either directly by going there, or by using a variety of communication tools - this is not prescribed by law. The Minister of Justice shall be given the right to impose more specific regulations on the scope and rules of notification.

Imprisonment Act § 6¹. Right of victim to obtain information

(1) A victim has the right to request and obtain information from a prison about prisoners or probationers who have committed offences with regard to the victim if:

- 1) a restriction order has been imposed on the prisoner;
- 2) the prisoner has been convicted in the offences provided for in Chapter 9 or 11 of the Penal Code.

(2) A victim has the right to obtain information about commencement of serving of sentence and compliance with the obligations set out in the court decision and execution of imprisonment and probation, excluding sensitive personal data.

(3) [The Minister of Justice may establish by a regulation a more detailed procedure for informing victims.](#)

A court may remove a minor from session.

A minor's testimony may be recorded and used as evidence in legal proceedings.

A person has the right to apply for state legal aid. In criminal proceedings, state legal aid shall be provided to victims on the bases and pursuant to the procedure prescribed in the State Legal Aid Act. If a court finds that the essential interests of a victim may be insufficiently protected without an advocate, the court may decide to grant state legal aid to the person on its own initiative and on the bases and pursuant to the procedure prescribed in the State Legal Aid Act. (Code of Criminal Procedure § 41 (3)) A natural person may receive state legal aid if the person is unable to pay for competent legal services due to the person's financial situation at the time the person needs legal aid or if the person is able to pay for legal services only partially or in instalments or if the person's financial situation does not allow for meeting basic subsistence needs after paying for legal services. (State Legal Aid Act § 6 (1))

Question 22: Investigations and criminal measures to protect the child victim

Code of Criminal Procedure § 70 Specifications concerning hearing of witnesses who are minors

A person under fourteen years of age shall be interviewed in the presence of a child protection worker, social worker or a psychologist. When interviewing a minor older than 14 years, body conducting proceedings may involve a child protection worker, social worker or a psychologist.

Only police officers who have received special training and are members of child protection team members may work with children.

In the hearing of a witness under 14 years of age, he or she shall not be cross-examined. (Code of Criminal Procedure § 290 (1)) A court may involve a child protection official, social worker, teacher or psychologist in the hearing of a witness under fourteen years of age who may question the witness with the permission of the judge. (Code of Criminal Procedure § 290 (2))

Taking into consideration the mental or physical condition and the age of a witness, the court may suspend the questioning by the parties and examine the witness on its own initiative or on the basis of the written questions prepared by the parties to the court proceeding. (Code of Criminal Procedure § 290 (6))

A court may declare that a session or a part thereof be held in camera in the interests of a minor. (Code of Criminal Procedure § 12 (1) 3)).

Investigative bodies and Prosecutors' Offices are required to conduct criminal proceedings when facts referring to a criminal offence become evident (Code of Criminal Procedure § 6). Even if a victim withdraws their accusations, the state is still obliged to carry out the proceedings.

The limitation period of offence is interrupted upon commission of a criminal offence against sexual self-determination against a person younger than eighteen years of age, until the victim attains 18 years of age unless the reason for the criminal proceedings became evident before the victim attained such age. (Penal Code § 81 (7) 3)) In such case the limitation period depends on the severity of the offence and is 5 or 10 years, correspondingly.

If it turns out that the child's interests are in conflict with those of his or her legal representative, the local government of the child's place of residence or the court should be informed, upon which the court will decide over the interests of the child and appoint him or her a representative (so-called guardian). Until the appointment of a guardian, their functions shall be performed by the municipal or city government of the child's place of residence.

A third party may be involved in the criminal proceeding if the rights or freedoms of the person which are protected by law may be adjudicated in the adjudication of the criminal matter or in special proceedings (Code of Criminal Procedure § 40¹ (1)).

Third party NGOs cannot participate in the proceedings. But they can still give their support and advice.

Surveillance activities are permitted if collection of data by other activities or taking of evidence by other procedural acts is impossible, is impossible on time or is especially complicated or if this may damage the interests of the criminal proceedings (Code of Criminal Procedure § 126¹ (2)).

Code of Criminal Procedure § 126² (2) lists the bases for conduct of surveillance activities pursuant to Penal Code. All sexual crimes against children are included in this list (i.e. Estonia can carry out intelligence operations in all necessary elements of offence listed in the Convention).

Expert analysis or inspection shall be conducted on images identified during the proceedings, depending on the age of the child. Internationally recognized specialized software, e.g. Netclean, international cooperation (Europol/Interpol), third party reports - including Hotline/INHOPE network and, starting from 2014, NCMEC is used to find distributors. All criminal intelligence tools, which are allowed under the Code of Criminal Procedure (permits, etc.) are used, however, the precise details are shall remain the secret of the Police and Border Guard Board and are not subject to disclosure.

Question 23: Child friendly interviewing and proceedings

Crimes against juveniles require expeditious procedures („Guidelines for Development of Criminal Policy until 2018“)

Interview will take place as soon as possible. Generally, a witness and a victim who is a minor shall be interviewed in interrogation room, which is furnished with recording devices and furnishings that take into account the age of the child (Guidelines by Prosecutor General for the Special Treatment of Minors in Criminal Proceedings). The guiding principle is that a child should be interviewed only once throughout the criminal proceedings. Interview shall be conducted by police officers who work in child protection units and who have received appropriate training and regular refresher courses. The same police officer/officers shall interact with the child from the beginning to end - once trust has been gained and a child has started to communicate with one person, that person shall continue interacting with the child until the end of proceedings in PBGB. Exception may be for example, if a child, for some reason does not connect with an officer who should handle this matter, in which case the person conducting proceedings should be replaced by a person whom the child accepts.

The presence of parents and other representatives is an exception rather than the rule, but it is not expressly forbidden. The presence of a parent/representative during an interview must be based on the interests of the child (for example, a child refuses to speak without his or her mother). Simple parental interest in child's statements is not a reason to call a parent to an interrogation. Legal representatives and parents can view/listen an interview in a recording room; this is an option, not a rule.

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. (Code of Criminal Procedure § 70 (1))

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 Procedure § 70 (2))

A court may involve a child protection official, social worker, teacher or psychologist in the hearing of a witness under fourteen years of age who may question the witness with the permission of the judge. (Code of Criminal Procedure § 290 (2))

When interviewing the victims, regional child protection workers with a previous contact with the victim are preferred as expert participants. Interviews may also involve victim support specialists, who have advised the victim. In case of repeated interviews, if possible, an expert who has already established a contact with the victim, should be included (Guidelines by Prosecutor General for the Special Treatment of Minors in Criminal Proceedings).

In case of crimes against a person and sexual crimes, repeated interviews with children under 14 years of age should be avoided, and they should be recorded, as a general rule. (Guidelines by Prosecutor General for the Special Treatment of Minors in Criminal Proceedings)

If it turns out that the child's interests are in conflict with those of his or her legal representative, the local government of the child's place of residence or the court should be informed, upon which the court will decide over the interests of the child and appoint him or her a representative (so called guardian). Until the appointment of a guardian, their functions shall be performed by the municipal or city government of the child's place of residence.

If necessary, the hearing of minors is video recorded. 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. (Code of Criminal Procedure § 70 (3))

A court may declare that a session or a part thereof be held in camera in the interests of a minor. (Code of Criminal Procedure § 12 (1) 3)).

A body conducting the proceedings may organise telehearing of a witness if the direct hearing of the witness is complicated or involves excessive costs or if it is necessary to protect the witness or the victim. For the purposes of this Code, telehearing means hearing: 1) by means of a technical solution as a result of which the participants in the proceeding immediately see and hear the witness giving testimony outside the investigative body, Prosecutor's Office or court directly and may hear the witness through the person conducting the proceedings; 2) by telephone, as a result of which the participants in the proceeding immediately hear the witness giving testimony outside the investigative body or court and may question the witness through the person conducting the proceedings. (3) Telehearing by telephone is permitted only with the consent of the person to be heard and the suspect or accused. The consent of the suspect or accused is unnecessary for the telehearing of anonymous witnesses by telephone. (Code of Criminal Procedure 69)

In child-related proceedings, the names of children are never released to the media. In the interests of a child, the Prosecutor's Office often agrees with settlement proceedings, just to protect the interests of a child.

Persons who have provided input for this document:

- Tuuli Ploom / the Ministry of Justice
- Signe Riisalo / the Ministry of Social Affairs
- Ann Lind-Liiberg / the Ministry of Social Affairs
- Anu Baum / Police and Border Guard Board
- Lemme Haldre / MTÜ Tartu Child Support Center
- Malle Hallimäe / NGO Estonian Union for Child Welfare
- Enelis Linnas / NGO Estonian Advice Centre