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

Replies to the thematic questionnaire

ESTONIA

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 26 October 2017

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

The prevention of violence in Estonia is coordinated by the Strategy for Preventing Violence for 2015-2020¹. This Strategy is a continuation of the Development Plan for Reducing Violence in 2010–2014. The Strategy encompasses violence between children, abuse of children, domestic violence (intimate partner violence), sexual violence and trafficking in human beings. The Strategy takes into account that people may become victims of violence regardless of their social and cultural background, age or gender. The prevalence and consequences of violence differ by types of violence and by gender of victims.

The Strategy for Preventing Violence discusses violence prevention in its wider meaning, at three prevention levels encompassing universal prevention, victim protection and work with consequences of violence. First, the Strategy addresses awareness-raising and educating of the general public; second, the Strategy focuses on people at risk of becoming a victim or committing an offence; and third, the Strategy is used for working with consequences of violence, offering support measures to victims as well as interventions concerning perpetrators of violence. The solutions proposed in the Strategy are guided by the World Health Organisation's understanding that risk factors for violence are related to the society (e.g. norms favouring violence, gender inequality), the community (e.g. lacking victim support services), relationships (e.g. domestic conflicts, poor parenting skills) and persons (e.g. history of abuse as a child, psychological and behavioural problems, addiction problems).

The Strategy for Preventing Violence was prepared in co-operation of several ministries, sectoral experts and other interested parties², led by the Ministry of Justice and based on comprehensive discussions.

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http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf

² Partners involved in the Strategy's preparation: AS Medicum, Estonian Forensic Science Institute, Estonian Association of Kindergarten Teachers, Association of Estonian Cities, Association of Municipalities of Estonia, Estonian Gynaecologists Society, Estonian Women's Shelters Union, Estonian Women's Associations, Roundtable, Estonian National Youth Council, Estonian Sexual Health Union, Estonian Association of Teachers, Ministry of Education and Research, Estonian Institute of Human Rights, Estonian Human Rights Centre, IOM Estonia, Ministry of Justice, Ministry of Culture, Crime Prevention Foundation, Southern District Prosecutor's Office, Ministry of Economic Affairs and Communications, NGO Estonian Help Centres (MTÜ Eesti Abikeskused), NGO Estonian Institute for Open Society (MTÜ Eesti Avatud Ühiskonna Instituut), NGO Lifeline (MTÜ Eluliin), NGO Association to Protect Mothers and Children (MTÜ Ühendus Emade ja Laste Kaitseks), NGO Child Welfare Union (MTÜ Lastekaitse Liit), NGO Living for Tomorrow (MTÜ Living For Tomorrow), NGO Men's Crisis Centre (MTÜ Meeste Kriisikeskus), NGO Cooperation Council of Women's Shelters (MTÜ Naiste Varjupaikade Koostöökogu), Police and Border Guard Board, Northern District Prosecutor's Office Ministry of Finance, Government Office Foundation Free of Bullying (SA Kiusamisest Vabaks), Foundation Tallinn Children's Hospital (SA Tallinna Lastehaigla), Foundation Tartu University Hospitals (SA Tartu Ülikooli Kliinikum), Estonian Academy of Security Sciences, Ministry of the Interior, Ministry of Social Affairs, Estonian National Social Insurance Board, Tallinn Health Care College, Tallinn University, Tartu Children's Support Centre, University of Tartu, National Institute for Health Development, Ministry of Foreign Affairs.

Sub-goal 1 of the strategy for preventing violence is: **People’s skills in avoiding, recognising and intervening in violence have improved.** *In order to reduce children’s risk behaviour, the focus must be on developing children’s social skills and violence-free communication skills. Their knowledge about violence, personal inviolability and gender equality must be increased. Continual attention must be paid to the topic of children’s e-safety, in order to protect children from Internet dangers, incl. cyber-bullying, sexual abuse committed via e-means and other such violence.* (Strategy for Preventing 2015, p. 19). The Strategy has an implementation plan (where all the concrete activities, measures are listed), which is amended annually.

The Ministry of Social Affairs is coordinating the implementation of the “Strategy for Children and Families 2012-2020”³. One of the strategic goals of this strategy is to create an efficient and well-functioning child protection system. One of the priorities of the strategy is to **increase the knowledge of children and youth on gender equality, responsible sexual behaviour and sexual health, skills for equal and healthy relationships and positive parenting.** Another line of action of the strategy is **raising the media awareness of children and development of a safer media environment**⁴.

- The Ministry of Justice has produced several information materials for preventing sexual abuse for parents and for children and youth. See:
 - a) “What to do if you know or suspect that a child has been sexually abused/harassed?”: <https://www.just.ee/et/eesmargid-tegevused/praktilisi-nouandeid/abimaterjal-lapsevanemale> (including when this has happened in the internet, what can the parent do to prevent further harm and to support the child);
 - b) A thematic web-page on child sexual abuse (information on prevention, terminology, victim support, offenders, additional reading etc.): <http://www.kriminaalpoliitika.ee/et/teemalehed/laste-seksuaalne-vaarkohtlemine>
- “Smartly on the Web” project web-page contains lots of materials for children, youth, parents and teachers. See: <http://www.targaltinternetis.ee/en/>. For example:
 - c) 10 recommendations for parents on ensuring the appropriate use of the internet and smart devices by their children: <http://www.lasteabi.ee/userfiles/10-recommendations-for-parents.....pdf>;
 - d) Prevention video: “the Grocery Store”: <https://www.youtube.com/watch?v=lzLgoXAd5Os>;
- In 2015 the Ministry of Justice funded 2 crime prevention projects for the prevention of child sexual abuse (50 00 EUR).⁵
- In 2017 a book (“Mina olen enda oma”, in English: “I Belong to Myself”) was launched for children below the age of 10. The aim of the book is to prevent child abuse, including child sexual abuse. The book contains stories about sharing files, photos and other contact with peers by using ICTS. See: <http://www.lastekaitseliit.ee/e-pood/raamatud/mina-olen-enda-oma-eesti-voi-vene-keeles/>. The book is available both in Estonian and in Russian, electronically and on paper. There is also an audio version of this book both in Estonian and in Russian (an audio book).
- Telia Estonia has launched a social media campaign “Suurim julgus”/#suurimjulgus (in Eng. “the Greatest Courage”). The aim of the project is to prevent bullying online and to keep

³ https://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Valjaanded/lpa_eng.pdf

⁴ Explaining the role and image of children, both girls and boys, and monitoring trends in Media. Analysis and streamlining of the legislation that regulates the safety of children in media. Analysis and implementation of age-specific warning systems regarding audiovisual media and computer and video games. Promotion of media education and development of methodological material. Raising awareness of internet safety via training, media campaigns and distribution of information. Development of a tip hotline for internet security counselling and combating illicit content and activities.

⁵ Kuriteoennetuse projektikonkurss 2015. Täiendav info on kättesaadav aadressil:

<http://www.kriminaalpoliitika.ee/et/kuriteoennetus/kuriteoennetuse-projektikonkurss-2015>

children and youth safe while using ICT. It draws also attention to the fact that many children have come across with inappropriate content in the internet. See for more here: <https://suurimjulgus.ee/>. The campaign contains awareness raising video clips with local role models and celebrities. On the page of the campaign, there are guidance materials for students, parents and teachers on how to recognise, prevent and act. The campaign also encourages everyone to give compliments, be supportive rather than abusive or unsupportive.

- Smart Parent (in Estonian “Tark vanem”) is a web platform and social media account (in Facebook, Twitter Youtube etc.), which provides up to date practical information for prevention and for guidance to parents on different issues in the lives in their children (especially for preventing delinquent or problem behaviour). This may include and has included information sharing also on self-generated images and content. See for more: www.tarkvanem.ee. The Ministry of Justice is doing cooperation with “Tark vanem”: usually the platform shares information and guidelines, also videos etc., provided by the Ministry of Justice.
- Child Helpline 116 111 and the helpline’s social campaigns over the years on the topic (see below). The helpline has also a web application (an app) for being better accessible for the children (and parents) and a web-page: <http://www.lasteabi.ee/en/home/> and <http://www.lasteabi.ee/en/links/>.
See also previous campaigns: “Tunne oma netisõpru” (“Know your friends on the web”): https://www.youtube.com/watch?v=6MFpx_E6BPQ and information materials: http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kas_laps_vajab_abi_0.pdf (how to help a child, who has been abused).
- Since 2012 web-constables (the police) go to schools to give lectures to students and teachers on internet security and safe distribution of self-generated content (images/videos). Parallel, web-constables are police officers working in internet. They also respond to notifications and letters submitted by people via internet and train children as well as adults on issues of internet security. The purpose of web-constables is to advise⁶, they do not proceed offences themselves. In some cases the web-constables share also ad-hoc useful information in the social media, including on topics related to self-generated sexually explicit images and/or videos and self-generated sexual content (especially when some new trends, threats, behaviour patterns of the children and youth emerge etc.).
- ‘Vihjeliin’ (www.vihjeliin.ee) is a free online service of the Estonian Union for Child Welfare, which enables Internet users to provide information about material being distributed online which depicts illegal content – the sexual abuse or exploitation of minors and child trafficking. Information can be submitted anonymously; the personal details of the reporting person are not investigated or recorded. See: <http://vihjeliin.targaltinternetis.ee/en/>
- 2 shorter versions (teasers) of the Europol “Say no!” campaign were (see: <https://www.europol.europa.eu/activities-services/public-awareness-and-prevention-guides/online-sexual-coercion-and-extortion-crime>) distributed and screened in many cinemas in Estonia in fall 2017. The videos are also running on screens in harbours in Estonia (till the end of 2017). The two shorter videos will be shown during Just Film festival in November 2017 (they will be shown before the screening of movies of the child’s rights programme of Just Film).
- On 18th of November in 2015 and in 2016, Estonia celebrated the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse by translating and distributing (both in the social media and in cinemas) the video “Tell Someone You Trust”. The video (<https://www.youtube.com/watch?v=TH0mCTVn8rI>) was shown in cinemas before screening films at the Black Nights Film Festival and its sub-programme Just Film (film festival for children and youth).

⁶ <https://www.politsei.ee/en/nouanded/veebikonstaablid/index.dot>

- Since 2011 Black Nights Film Festival also known as PÖFF (www.poff.ee) in Estonia has a separate programme of movies on the rights of the child as a part of one of the Just Film programme (part of Black Nights Film Festival). It comprises of a special programme of movies aimed at children and young people, focusing their everyday life, neglect, physical and sexual violence/abuse, children rights in media, gender roles and stereotypes, children fundamental rights etc. This years' programme of the rights of the child programme (of Just Film) is available here: <http://www.justfilm.ee/en/movie-posts/childrens-rights/>.
- Privat sector companies contribute to the prevention and the general awareness-raising of children and youth using ICTs and also children distributing/transmitting/producing self-generated images/contet etc. by using ICT. Companies such as Telia and Microsoft contribute to the prevention (see above).
- In the "Smartly on the Web" project⁷, there is cooperation with Information System Authority (<https://www.ria.ee/en/>), Microsoft Estonia and Estonian Association of Information Technology and Communications (<http://www.itl.ee/Eng>). All these belong also to the advisory board⁸ of the project. Also, every year within the framework of the project, Safer Internet day⁹ is celebrated (in cooperation with many organisations, including private sector companies and the civil society, for example Swedbank, Nordea Bank, CERT Estonia, Nutikaitse¹⁰). Many companies and organisations (ICTs) are willing to contribute to solving social problems and to the prevention.
- Amor.ee webpage provides information and offers counselling on issues related to sexual and partner relationships, sexual health and dating violence etc.
- In 2015, the Ministry of Justice translated and adjusted the "Barometer of Concern" created by Janus Centret (Denmark, www.januscentret.dk), which provides a list of indicators helping to define whether a child or adolescent has a normative or problem sexual behaviour. It was translated into Estonian and Russian and is available here: www.kriminaalpoliitika.ee/murebaromeeter. For promoting the preventive tool and for promoting the awareness-raising, two videos were produced (in Estonian and Russian) for explaining the benefit of using the barometer of concern (see also www.kriminaalpoliitika.ee/murebaromeeter). In this video a psychotherapist explains indicators of (normative and problem) sexual behaviour and harmful sexual behaviour in different age-groups of children and youth.

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

- The Ministry of Justice and the Police and Border Guard Board have cooperated with internet service providers for limiting access to web pages (in the Interpol "worst-of" list) which contain child sexual abuse materials (CSEM). This involves pages, which are located/based in servers outside of Estonia.
- The Ministry of Justice has produced several information materials for preventing sexual abuse for parents and for children and youth. See:
 - e) What to do if you know or suspect that a child has been sexually abused/harassed: <https://www.just.ee/et/eesmargid-tegevused/praktilisi-nouandeid/abimaterjal->

⁷ The project's mission is a smarter Internet use by children and their parents and the prevention of the online distribution of child sexual abuse material: <http://www.targaltinternetis.ee/en/about-the-project/>

⁸ <http://www.targaltinternetis.ee/en/about-the-project/advisory-board/>

⁹ <http://www.targaltinternetis.ee/en/news/2017/02/safer-internet-day-activities-in-estonia/>

¹⁰ <http://www.nutikaitse.ee/>

- lapsevanemale (including when this has happened in the internet, what can the parent do to prevent);
- f) A thematic web-page on child sexual abuse (information on prevention, terminology, victim support, offenders, additional reading etc.):
<http://www.kriminaalpoliitika.ee/et/teemalehed/laste-seksuaalne-vaarkohtlemine>
- “Smartly on the Web” project web-page contains lots of materials for children, youth, parents and teachers. See: <http://www.targaltinternetis.ee/en/>. For example:
 - g) 10 recommendations for parents on ensuring the appropriate use of the internet and smart devices by their children: <http://www.lasteabi.ee/userfiles/10-recommendations-for-parents.....pdf>;
 - h) Prevention video: “the Grocery Store”:
<https://www.youtube.com/watch?v=IzLgoXAd5Os>;
 - In 2017 a book (“Mina olen enda oma”, in English: “I Belong to Myself”) was launched for children below the age of 10. The aim is to prevent child abuse, including child sexual abuse. The book contains stories about sharing files, photos and other contact with peers. See: <http://www.lastekaitseliit.ee/e-pood/raamatud/mina-olen-enda-oma-eesi-voi-vene-keeles/>. The book is available both in Estonian and in Russian, electronically and on paper. There is also an audio version of this book both in Estonian and in Russian.
 - Teliia Estoni has launched a social media campaign #suurimjulgus (in Eng. “the greatest courage”), which aim is to prevent bullying and to keep children and youth safe while using devices. It draws also attention to the fact that many children have come across with inappropriate content in the internet. See: <https://suurimjulgus.ee/>. The campaign contains awareness raising video clips with local role models and celebrities. On the page of the campaign, there are guidance materials for students, parents and teachers on how to recognise, prevent and act. The campaign also encourages everyone to give compliments, be supportive rather than abusive or unsupportive.
 - Smart Parent is a web platform and social media account (in Facebook, Twitter Youtube etc.), which provides up to date practical information for prevention and for guidance for parents. This may include and has included information sharing also on self-generated images and content. See: www.tarkvanem.ee.
 - Children’s Helpline 116 111 and the social campaigns over the years on the topic. The helpline has also an application for being better accessible for the children (and parents) and a web-page: <http://www.lasteabi.ee/en/home/> and <http://www.lasteabi.ee/en/links/>.
 See also previous campaigns: “Tunne oma netisõpru” (“Know your friends on the web”): https://www.youtube.com/watch?v=6MFpx_E6BPQ and information materials: http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kas_laps_vajab_abi_0.pdf (how to help a child that has been abused).
 - Web-constables go to schools to give lectures to students and teachers. Web-constables are police officers working in internet. They respond to notifications and letters submitted by people via internet and train children as well as adults at issues of internet security. The purpose of web-constables is to advise, they do not proceed offences themselves. <https://www.politsei.ee/en/nouanded/veebikonstaablid/index.dot>. In some cases the web-constable share also useful information in the social media, including on topics related to self-generated sexually explicit images and/or videos and self-generated sexual content.
 - ‘Vihjeliin’ (www.vihjeliin.ee) is a free online service of the Estonian Union for Child Welfare which enables Internet users to provide information about material being distributed online which depicts illegal content – the sexual abuse or exploitation of minors and child trafficking. Information can be submitted anonymously; your personal details are not investigated or recorded. See: <http://vihjeliin.targaltinternetis.ee/en/>

- Europol campaign 2 teaser videos “Say No” (see: <https://www.europol.europa.eu/activities-services/public-awareness-and-prevention-guides/online-sexual-coercion-and-extortion-crime>) was distributed and screened in many cinemas in Estonia, it is also running on screens in harbours in Estonia (till the end of 2017).

On November 2015 and 2016 Estonia celebrated the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse by translating and distributing (both in the social media and in cinemas) the video “Tell Someone You Trust”. The video (<https://www.youtube.com/watch?v=TH0mCTVn8rI>) was shown in cinemas before screening films at the Black Nights Film Festival and its sub-programme Just Film (film festival for children and youth).

- Since 2011 mid of November Black Nights Film Festival also known as PÖFF in Estonia. One part from festival program is the Just Film is a children’s and youth film festival. It comprises a competition programme and special programmes of films aimed at children and young people, focusing their everyday life, neglect, physical and sexual violent, children rights in media, gender roles and stereotypes, children fundamental rights etc. This years’ (2017) programme is available here: <http://www.justfilm.ee/en/movie-posts/childrens-rights/>.
- Private sector companies contribute to the prevention and the general awareness-raising of children and youth on ICT. Companies such as Telia and Microsoft contribute to the prevention.
- In the “Smartly on the Web” project¹¹, there is cooperation with Information System Authority (<https://www.ria.ee/en/>), Microsoft Estonia and Estonian Association of Information Technology and Communications (<http://www.itl.ee/Eng>). All these belong also to the advisory board¹² of the project. Also, every year within the framework of the project, Safer Internet day¹³ is celebrated (in cooperation with many organisations, including private sector companies and the civil society, for example Swedbank, Nordea Bank, CERT Estonia, Nutikaitse¹⁴). Many companies and organisations (ICTs) are willing to contribute to solving social problems and to the prevention.
- Amor.ee web-page provides information and offers counselling on issues related to sexual and partner relationships, sexual health etc.
- In 2015, the Ministry of Justice translated and adjusted the “Barometer of Concern” created by Janus Centret (Denmark, www.januscentret.dk). It was translated into Estonian and Russian and is available here: www.kriminaalpoliitika.ee/murebaromeeter. For promoting the preventive tool and awareness-raising, two videos were produced (in Estonian and Russian) for explaining the benefit of using the barometer of concern (see also www.kriminaalpoliitika.ee/murebaromeeter). In this video a psychotherapist explains indicators of problem sexual behaviour and harmful sexual behaviour in different age-groups of children and youth.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generate
- c. d sexual content?

¹¹ The project’s mission is a smarter Internet use by children and their parents and the prevention of the online distribution of child sexual abuse material: <http://www.targaltinternetis.ee/en/about-the-project/>

¹² <http://www.targaltinternetis.ee/en/about-the-project/advisory-board/>

¹³ <http://www.targaltinternetis.ee/en/news/2017/02/safer-internet-day-activities-in-estonia/>

¹⁴ <http://www.nutikaitse.ee/>

All listed preventive tools, materials, activities etc. listed in Q. 1.1. and 1.2. are meant for parents and persons who have regular contact with children as well.

In addition, the following activities/tools/materials/measures can be listed here:

- A book on how to interview children (launched by the Ministry of Justice and the Ministry of Interior) in 2016: <http://www.kriminaalpoliitika.ee/lapsekysitlemiskasiraamat>. Also available as a hard copy.
- Trainings for specialist in relation to launching the barnahus pilot project¹⁵ in 2015- 2016. The training was especially on skills for (pre-)interviewing children and offering support for victims of sexual abuse. The first Children's House in Estonia was opened on 2 January 2017. It will initially be a pilot project offering services to children from Tallinn and Harju county.¹⁶
- Trainings for specialist working with children for using the barometer of concern (www.kriminaalpoliitika.ee/murebaromeeter) took place in 2016. Over two trainings around 350 participants were trained by experts from Janus Centret (Denmark). Also, during the same trainings the specialist were trained on how to carry out mediation and other restorative justice practices in cases of incest and abuse between peers (in the school environment for example).
- In the framework of "Tagasi Kooli" (Back to School), many specialists (also from the Ministry of Justice) have held lectures in schools on bullying, online sexual abuse and sexual harassment in the social media and internet security.
- There have been web-safety courses available for teachers: <http://www.targaltinternetis.ee/en/event/web-safety-courses-for-teachers/>
- On November 30, 2016, the Estonian Advice Centre, in cooperation with partners, held a conference "How to help if the victim is a child" in Tallinn. The conference was held in the framework of the project "Support services for child victims of violence in Estonia, Finland, Slovenia and Spain" co-funded by the European Union. The project partners were the Victim Support Unit of the Social Insurance Board from Estonia, the Rape Crisis Center Tukinainen from Finland, the NGO Logout from Slovenia, and the Polibienestar Research Institute of the Valencia University from Spain.¹⁷ **The aim of the conference was to share experiences on the examples of good practice from Estonia, Finland, and Slovenia from specialists in different fields who in their work are in contact with child victims. The topics covered were the principles of interviewing children, noticing of a child victim by the health care system, sexual harassment and abuse of children, and Internet addiction problems with children.** The conference included presentations by: **Kristjan Kask, PhD**, assistant professor of general psychology at the University of Tallinn; **Eeva Nikkola, MD, PhD**, paediatrics and child abuse paediatrics, Helsinki University Central Hospital; **Špela Reš, MA**, psychologist/consultant from the agency NGO Logout and **Anton Toni Klančnik, MA**, Head of Juvenile Delinquency Department of the Slovenian Criminal Police.
- At the Estonian Academy of Security Sciences¹⁸ there is a regular 3-week training for the police investigators specialised in cases of sexual abuse and child abuse in general. In addition there are ad-hoc trainings for the police on the topic.
- The Ministry of Social Affairs organised a seminar in August 2015 on the following topic: „Child as a victim of sexual abuse“. The following specialist, who have contact with sexually abused children, took part of the seminar: social workers, general practitioners, nurses,

¹⁵ https://www.sotsiaalkindlustusamet.ee/sites/default/files/content-editors/Lastekaitse/lastemaja_eng.pdf

¹⁶ The Children's House is a child-friendly interdisciplinary service for children suspected or confirmed to have been sexually abused. Different specialists such as police, child protection workers, psychologists and many others working for the welfare of children are brought under the same roof. Investigations are made on the ground with children that have fallen victim; later they are also provided the help they need.

¹⁷ <http://www.childvictims.eu/en/events/conference-how-to-help-when-the-victim-is-a-child/>

¹⁸ <http://www.sisekaitse.ee/eass/the-academy/>

police, kindergarden and school teachers, NGO representatives etc. The seminar/training was conducted by forensic experts from the Icelandic Barnahus.

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

NGO Estonian Union on Child Welfare, Ministry of Interior, Ministry of Justice, Ministry of Social Affairs, the Police and Border Guard Board, Ministry of Social Affairs, National Health Insurance Board, Social Insurance Board, Smartly on the Web project (advisory board), children's mental health centres (Children's Hospital, Tallinn) and the Barnahus pilot project.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

See above, but also:

- Barnahus pilot project: https://www.sotsiaalkindlustusamet.ee/sites/default/files/content-editors/Lastekaitse/lastemaja_eng.pdf
- Thematic web-page on child and youth sexual abuse with different awareness-raising information and materials: <http://www.kriminaalpoliitika.ee/et/teemalehed/laste-seksuaalne-vaarkohtlemine>
- The Barometer of Concern: <http://www.kriminaalpoliitika.ee/et/murebaromeeter>
- What to Do when Suspecting or Knowing of the Sexual Abuse of a Child? http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kui_on_kah_tlus_et_last_on_vaarkoheldud_abimaterjal_lapsevanemale_justiitsministeerium_0.pdf
- A book on how to interview children (launched by the Ministry of Justice and the Ministry of Interior) in 2016: <http://www.kriminaalpoliitika.ee/lapsekysitlemisekasiraamat>. Also available as a hard copy.
- Smartly on the Web information materials, leaflets, books, videos, information online:
 - For teachers: <http://www.targaltinternetis.ee/en/for-teachers/>
 - 10 recommendations for parents: <http://www.targaltinternetis.ee/en/for-parents/>
 - For Youth: <http://noor.targaltinternetis.ee/en/>
 - For Children: <http://laps.targaltinternetis.ee/en/>
- "Tark vanem" (in English "Smart parent") web-page (Smart Parent web-page): www.tarkvanem.ee
- Child Helpline web-page and application: www.lasteabi.ee; <http://www.lasteabi.ee/en/home/>. Also other information on the helpline's web-page: <http://www.lasteabi.ee/en/frequently-asked-questions/list/faq/computers-and-the-internet> (Computers and the Internet), <http://www.lasteabi.ee/en/frequently-asked-questions/list/faq/safer-internet> (Safer Internet).
- Telia Estonia campaigns and information materials, "Suurm julgus" campaign (Eng. "The greatest courage"):
 - https://www.youtube.com/results?search_query=telia+suurim+julgus
 - <https://suurimjulgus.ee/>
- Council of Europe video "Tell Someone You Trust" with Estonian sub-titles: <https://www.youtube.com/watch?v=TH0mCTVn8rI> (on the Youtube channel of the Ministry of Justice).
- Barometer of Concern: www.kriminaalpoliitika.ee/murebaromeeter. Indicators of normative and problem sexual behavior.
- Say "No" video with Estonian subtitles: <https://www.youtube.com/watch?v=olwKzVvUWz8>

- Tea and Consent video (with Russian subtitles, was also available with Estonian subtitles):
<https://www.youtube.com/watch?v=pZwvrXVavnQ>,
<https://www.youtube.com/watch?v=AqRfSydbopc> (Russian subtitles).

Question 2. Civil society involvement

- 2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Most of the national prevention activities are coordinated by the Strategy for Preventing Violence for 2015-2020¹⁹ and its implementation plan, which is amended annually. The encouragement is done by supporting and inviting for cooperation between different institutions and organisations, both government institutions and civil society²⁰. The strategy is linked with other strategies (See Annex 2, p. 29: “Connections to other sectoral development plans and horizontal topics” of the Strategy for Preventing Violence for years 2015-2020²¹).

Every year the Ministry of Justice finances crime prevention projects. In 2015 the topic for submitting projects for funding was prevention of child sexual abuse (target group: children up to 10 years of age, the parents and bystanders, specialists working with children). It was decided to finance two projects whose aim was to prevent child sexual abuse (target group: children up to ten years of age, parents, specialists working with children). Information about the two projects available in Estonian here: <http://www.kriminaalpoliitika.ee/et/kuriteoennetuse-projektikonkurss/kuriteoennetuse-projektikonkurss-2015>.

“Smartly on the Web” project is partly funded by the Police and Border Guard Board, thereby the Police and Border Guard Board is supporting the activities of the Estonian Union of Child Welfare in carrying out the activities and coordinating the project.

Also, the child helpline 116 111 was over the years coordinated by an NGO (Eesti Abikeskused/Estonian Advice Centre) for many years. Now the functioning of 116 111 helpline is coordinated by the Social Insurance Board. The Ministry of Justice has cooperated with the NGO for organizing conferences, also on topics related to sexual abuse and harassment of and

¹⁹

http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf

²⁰ Partners involved in the Strategy’s preparation: AS Medicum, Estonian Forensic Science Institute, Estonian Association of Kindergarten Teachers, Association of Estonian Cities, Association of Municipalities of Estonia, Estonian Gynaecologists Society, Estonian Women’s Shelters Union, Estonian Women’s Associations, Roundtable, Estonian National Youth Council, Estonian Sexual Health Union, Estonian Association of Teachers Ministry of Education and Research, Estonian Institute of Human Rights, Estonian Human Rights Centre, IOM Estonia, Ministry of Justice, Ministry of Culture, Crime Prevention Foundation, Southern District Prosecutor’s Office, Ministry of Economic Affairs and Communications, NGO Estonian Help Centres (MTÜ Eesti Abikeskused), NGO Estonian Institute for Open Society (MTÜ Eesti Avatud Ühiskonna Instituut), NGO Lifeline (MTÜ Eluliin), NGO Association to Protect Mothers and Children (MTÜ Ühendus Emade ja Laste Kaitseks), NGO Child Welfare Union (MTÜ Lastekaitse Liit), NGO Living for Tomorrow (MTÜ Living For Tomorrow), NGO Men’s Crisis Centre (MTÜ Meeste Kriisikeskus), NGO Cooperation Council of Women’s Shelters (MTÜ Naiste Varjupaikade Koostöökogu), Police and Border Guard Board, Northern District Prosecutor’s Office Ministry of Finance, Government Office Foundation Free of Bullying (SA Kiusamisest Vabaks), Foundation Tallinn Children’s Hospital (SA Tallinna Lastehaigla), Foundation Tartu University Hospitals (SA Tartu Ülikooli Kliinikum).

²¹

http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf

between children (in 2014). In cooperation, different information materials and leaflets on the topic have been composed and distributed.

The Ministry of Justice, the ministry of Social Affairs, the Estonian Union of Child Welfare and the Child Ombudsman are since 2011 (financially and by helping to choose the movies) supporting the organising of child rights film programme²², which is part of Just Film (a part of the Black Nights Film festival). It comprises a competition programme and special programmes of films aimed at children and young people, focusing their everyday life, neglect, physical and sexual violence, children rights in media, gender roles and stereotypes, children fundamental rights etc.

Several civil society activities and prevention projects are funded from the Estonian Council of Gambling Taxes.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

See above for information on prevention activities implemented by civil society.

Most of the prevention activities are carried out in cooperation with government and civil society organisations. For example, the project “Smartly on the Web” is carried out by four different organisations and in addition with the guidance of the advisory board: The activities of the follow-up project are being implemented by four organisations: 1) the Estonian Union for Child Welfare is a coordinator of the project and contributes to awareness raising activities, coordinates youth participation and operates Estonian Hotline www.vihjeliin.ee; 2) the Information Technology Foundation for Education coordinates and carries out awareness raising activities (up to 2014); the Estonian Advice Centre (which manages the Children’s Helpline 116111) provides help and counselling for children and parents if problems emerge in the use of the Internet and digital media devices, and participates in awareness raising activities; the Police and Border Guard Board is contributing its competence to all activities.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The importance of information technology has considerably increased in our daily life within recent years. The gradually improving access to the internet via various digital devices and data communications packages has provided access to a huge amount of information and possibilities. In order to make the most of these possibilities, one of the objectives of the Lifelong Learning Strategy 2020 as the strategy (Estonia) of choices is to contribute to the more expedient and effective use of modern digital technology upon learning and teaching and to improve the digital competence of the entire population.

²² <http://www.justfilm.ee/en/movie-posts/childrens-rights/>

Digital competence means readiness to use digital technology to cope in a rapidly changing knowledge-based society when working, studying, acting and communicating as a citizen. The internet has entailed an abrupt increase in the learning opportunities from which everybody can gain a lot. However, upon the unskilled use of the internet, the possibilities that information society offers, may be entirely lost. In essence, the digital focus means a knowledgeable and smart study process of integrating digital opportunities, enriching thereby studies, taking into better consideration the needs of the present learners and contributing to meeting labour market needs.

According to the Estonian Lifelong Learning Strategy 2020, the objective in digital focus is to apply modern digital technology in learning and teaching in a more efficient way and with better results, to improve the digital skills of the general population and to guarantee access to the new generation of digital infrastructure. This means:

- incorporating a digital culture into the learning process
- supporting digital learning resources in schools.
- accessing a modern digital infrastructure for learning
- creating and implementing assessment models for digital competence
- creating learning opportunities for adults to acquire digital competences

The Estonian for pre-school, basic and secondary curricula are available here:

<https://www.hm.ee/en/activities/pre-school-basic-and-secondary-education>.

National curricula for secondary schools: <https://www.hm.ee/en/national-curricula-2014>.

Informatics (basic schools):

https://www.hm.ee/sites/default/files/est_basic_school_nat_cur_2014_appendix_10_final.pdf

Cross-curricular activities (basic schools):

https://www.hm.ee/sites/default/files/est_basic_school_nat_cur_2014_appendix_10_final.pdf

5.3. Cross-curricular topic “Information environment” at the 1st stage of study

Covering the cross-curricular topic on this level of study focuses on the daily information environment of the pupils. With the assistance of teachers and classmates, the pupils practise describing their actions in the information environment. They will learn to understand the communication objectives of messages sent to them and to distinguish between important and unimportant messages. The pupils will also understand and become accustomed to the different principles that govern private space and public space, including the Internet. The primary stress on the first level of study is on shaping communication skills via human studies, native language and other subjects. More attention is given to visual media and visual text analysis, ensuring that the pupils use media that is suited to their age.

Cross-curricular activities (upper secondary schools):

https://www.hm.ee/sites/default/files/est_upper_secondary_nat_cur_2014_appendix_14_final.pdf

For example: **Cross-curricular Topic “Information Environment”**. The cross-curricular topic “Information environment” strives to shape the pupils into information-aware people who perceive the information and understands the surrounding information environment, is able to analyse critically the society acting in accordance with their goals and the socially accepted ethics of communication. The pupils are guided to: 1) determine their information needs and find appropriate information; 2) develop an effective information search methods, encompassing various publications and information environments use; 3) develop skills of critical analysis of the information, compare the various discursive practices (e.g. parlour media, law, entertainment, communication between friends, etc.) and those prevailing norms of communication; 4) understand the media and the operation of economy,

including the role of the media in the labour market; 5) analyse the existing rules of public space and to describe their activities in case of infringement of public space rules.

Covering the cross-curricular topic on this level of study guide pupils to cope independently with different media formats, make consumer choices based on their different interests and needs. Pupils are familiar with the rules and acting in the public space, deplores the violations.

Schools actively invite lecturers to schools (such as ICT companies' representatives, web-constables etc.), especially via the project called "Tagasi Kooli" (see in English) <https://tagasikooli.ee/?lang=en>. Back to School is there to provide impetus for closer cooperation between schools and the rest of the society – in order to facilitate the community of teachers, guest teachers and students to generate and implement ideas that create more meaningful learning and provide source for self-development. The e-platform of Back to School, [the Back to School info system](#) enables search of teachers and/or guest teachers based on their interest, and getting in touch with each other to enable agreeing on a common lesson or other projects.

In 2014, the Government approved the Cyber Security Strategy 2014-2017. According to the strategy, the fight against cybercrime includes the prevention and detection of cybercrime, as well as the prosecuting of cybercrime. The measures that have been developed include increasing the effectiveness of the fight against cybercrime, promoting international cooperation against cybercrime, as well as raising public awareness of cyber risks based on research and analyses of cyber capability and behaviour. The English translation of the Cyber Security Strategy 2014-2017 can be found at: <https://www.mkm.ee/en/node/2722#cybersecstrat>

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

See above question 3.

According to the Child Protection Act (entered into force)²³, there are the following requirements for child protection workers²⁴:

§ 19. Requirements for child protection officials

- (1) Child protection officials must have professional qualification and higher education.
- (2) Child protection officials shall acquire the profession of a social worker with specialisation in child protection no later than within two years after starting service as a child protection official.

²³ <https://www.riigiteataja.ee/en/eli/530122016001/consolide>

²⁴ § 18. Child protection officials and persons working with children

(1) A child protection official is an official of the Social Insurance Board, county government or local government who performs the functions provided for in this Act or other legislation upon ensuring the rights and well-being of children.

(2) A person working with children is a person in direct contact with children in the course of his or her work or professional activities and also a person in direct contact with children in the course of voluntary activities, serving in alternative service, participating in employment services or practicing as a trainee.

(3) The compliance of professional qualifications acquired abroad with the requirements of this Act shall be decided by the Social Insurance Board on the basis of the Recognition of Foreign Professional Qualifications Act, taking into account of the specifications arising from this Act.

Since 2012 the National Institute of Health offers a variety of trainings to child protection workers, specialist working with children (including pre-school teachers and teachers). There are trainings which cover the following topics: child sexual development, sexual education and ways of getting support.

Since 2014 The University of Tartu offers a training module on the rights of the child, which teaches future social workers, lawyers and judges to protect the rights of the child.

The Project „Smarty on the Web“ has offered various courses to teacher on Internet safety, social networks, computer safety etc.

The Estonian Academy of Security Sciences offers 3-week training²⁵ for law enforcement specialist dealing with juveniles and child victims in criminal proceedings.

Estonia has adopted an evidence-based programme „Expect Respect: A Toolkit for addressing Teenage Relationship Abuse“, which is offered in schools in Estonia. Also there have been trainings for teachers to implement the programme. The curricula supports implementing the programme in schools.

Question 5. Research

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

Child and Youth Sexual Abuse Prevalence Study (2015)²⁶

The purpose of this survey was to learn about the experience of Estonian adolescents aged 15–19 with sexual abuse, its risk factors and protective factors, consequences, and ways of getting help following an incident. Factors related to adolescents' family relationships, sexual behaviour and risk behaviour increasing or decreasing the probability of children or adolescents becoming victims of sexual abuse or committing sexual violence were identified in the survey. The possible impact of sexual abuse on the mental health of adolescents was also studied. The survey focussed on adolescents' experience with both online and offline sexual violence and compared the results with previous surveys.

Permission for conducting the survey was applied for and received from the Research Ethics Committee of the University of Tartu; the survey questionnaire was created based on a survey carried out in 2003 and piloted. The inquiry was conducted in September and October 2015 in a total of 33 schools across Estonia: 23 upper secondary schools and 10 vocational schools. Based on the sample, the initial target group consisted of 2595 students, 2160 of whom were present during distribution and filled in the questionnaire. After cleansing and weighting the data, the final sample

²⁵ The agenda of the training is available in Estonian:

<http://www.sisekaitse.ee/atak/10807/index.php?id=43906>

²⁶

http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/laste_ja_noorte_seksuaalse_v_aarkohtlemise_leviku_uuring_2015_0.pdf

was reduced to 2048 students: upper secondary school students in grades 10–12 and vocational school students aged 16–19. The age group 16–19 was chosen considering the efficiency of the survey. By this age, many adolescents already have experience with romantic and sexual relationships and are old enough to answer sensitive questions concerning sexual experiences and violence. The questionnaire was conducted by interviewers from the University of Tartu.

Estonia has taken part of the EU Kids Online research: <http://eukidsonline.ut.ee/>

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?
- b. self-generated sexual content as children has been shared online?

The Ministry of Justice (the Criminal Policy Department Analysis Division) orders surveys and carries out research of topics relevant for criminal policy-making and analysis on criminal policy and crime prevention. Some of the recent research funded by the department related to the topic:

- Self-reported Delinquency Study (ISRDS-3): www.kriminaalpoliitika.ee/isrd
- “Sexual Abuse of Children and Youth” (2015): www.kriminaalpoliitika.ee/lasteuuring

The results of the studies and research are taken into account in evidence-based policy-making.

Also all the institutions benefit from the research and thesis of students from different Estonian universities and from different disciplines (law, psychology, sociology, public administration etc.). The Ministry of Justice annually carries out a competition of essays or thesis on criminology and criminal policy. Depending on the year, the topics of the essays and/or thesis vary. However, there have been essays and thesis sent to the competition, which deal with the psychological aspects of victimization. The competition for 2017 has been launched in October 2017.

The Ministry of Justice is publishing “Crime in Estonia” yearbooks on crime statistics, which refers also to the latest research on the specific topic if relevant.

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

Yes, the public authorities and other bodies take the recent research into account while planning prevention activities, protection measures and policies.

Protection

Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - b. self-generated sexual content are provided with the necessary support, assistance and psychological help?
- **Web-constables:** <https://www.politsej.ee/en/nouanded/veebikonstaablid/>

- If you wish any advice from the Police;
- if you have questions related to law;
- if you wish to send a hint or information to the Police;
- if you suspect that someone is operating under your name in internet;
- if you have fallen a victim to teasing/abuse;
- if you wish to notify about sexual or other abuse.

People contact web-constables by means of different portals as well as by e-mail. Some issues are solved by advising only, but there are also such notifications that are forwarded for information or proceeding to relevant police stations.

It is recommended to send one's question or letter to one web-constable, not to all at a time. Most common questions and answers have been brought forth in section of recommendations. In cases requiring urgent response of the Police, it is necessary to dial number 110. The purpose of web-constables is to advise, they do not proceed offences themselves. If you know that you would like to submit an application to the Police, then more detailed information can be found here.

- **Victim Support Service:** <https://www.sotsiaalkindlustusamet.ee/et/ohvriabi-huvitis/ohvriabi-ja-lepitusteenus#Ohvriabi>;
<https://www.facebook.com/Sotsiaalkindlustusamet-Ohvriabi-428290230664457/>
- **Child helpline 116 111:** <http://www.targaltinternetis.ee/en/the-child-helpline-service/>;
<http://www.lasteabi.ee/en/home/>

The objective of the Child Helpline Service 116111 is to provide everyone a possibility to report a child in need of assistance, to ensure that information received is communicated to appropriate specialists, and to offer children primary social counselling on child related matters.

CALL 116111, From abroad call +372 634 6631. The helpline service operates 24/7, No charges apply. E-mail info@lasteabi.ee; skype: Lasteabi_116111; online counselling on website "Ask for help"; app "Lasteabi"; Facebook: "Lasteabi".

- **Vihjeliin** (inform about illegal content): <http://vihjeliin.targaltinternetis.ee/en/>
- **The police**, different contacts and reporting: <https://www.politsei.ee/en/kontakt/>
Police for children, child's corner (on the web-page of the police): <https://www.politsei.ee/et/lastenurk/>
- **Barnahus pilot project:** https://www.sotsiaalkindlustusamet.ee/sites/default/files/content-editors/Lastekaitse/lastemaja_eng.pdf

The Children's House service will be provided in Tallinn at the Children's Mental Health Centre (Tervise 28, Tallinn). Registration and additional information: Mon–Fri 9 a.m.–5 p.m. by telephone 5361 1602 or e-mail to, anna.frank-viron@sotsiaalkindlustusamet.ee

- **Child protection and regional units of child protection:** <http://www.sotsiaalkindlustusamet.ee/et/lapsed-ja-pere/lastekaitse/lastekaitse-osakonna-kontaktid>
- **Peaasi.ee** for psychological help and counselling (anonymous, low threshold help). Ask for advice /from a counsellor/psychologists: <http://peaasi.ee/kysi-noustajalt/>
- **Lahendus.net** for psychological help and counselling (anonymous, low threshold help)

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Sub-goal 2 of the Strategy for Preventing Violence for years 2015-2020 is “Protection and support of violence victims corresponding to their needs is better ensured”. Sub-goal 3 of the same strategy: “Proceedings of violence cases are more victim-friendly”. (See also above.) The strategy also has an implementation plan, which is reviewed and amended every year.

In 2016, Estonia transposed the EU directive on Victims’ Rights, which brought about new requirements to proceedings and a systematically different approach by way of individual assessment of victims. Parallel to this process, the Victim Support Act²⁷ was amended: the definition of a sexually abused child was extended in terms of the Victim Support Act.

Child sexual abuse is one of the fields where the integrated support system needs to work at its best. The integrated child protection system guarantees, that the officials, specialist and departments work together, to create a protective environment for the child and around the child, in order to guarantee the well-functioning information sharing concerning the case.

Chancellor of Justice (also ombudsman for children) office has created a guideline for “Informing of the child in need and data protection”²⁸.

According to the Child Protection Act:

§ 27. Notification of child in need of assistance

- (1) All persons who have knowledge of a child in need of assistance are required to notify of the child in need of assistance
- (2) A child in need of assistance must be immediately notified of to the local government or to child helpline service 116 111.
- (3) The authority or official having received the notice of a child in need of assistance, except for the local government of the child’s residence entered in the population register or the child protection official thereof, shall be required to forward the notice immediately to the local government of the child’s residence entered in the population register.

²⁷ (1³) 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 to 145¹, 175¹ or 178 to 179 of the Penal Code.

[RT I, 04.11.2016, 2 - entry into force 01.01.2017]

(1⁴) If the age of the person who is a victim of trafficking in human beings 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, 04.11.2016, 2 - entry into force 01.01.2017]

(2) Provision of victim support services includes:

- 1) counseling 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]

(2¹) Victims of trafficking in human beings and sexually abused minors have the right to receive the services specified in clauses (2) 3) to 9) of this section. The services are provided until the need for the services ceases to exist.

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

<https://www.riigiteataja.ee/en/eli/502012017002/consolide>

²⁸ <http://www.oiguskantsler.ee/sites/default/files/IMCE/Abivajavast%20lapsest%20teatamine%20ja%20andmekaitse%20-%20juhend.pdf>

(4) If the local government of the child's residence entered in the population register is unknown or it cannot be ascertained, the notice of a child in need of assistance shall be immediately forwarded to the local government where the child is staying.

(5) The identity of the person having notified of a child in need of assistance or the fact of notification shall not be disclosed, except for in proceedings of an offence. The person notifying of a child in need of assistance shall have the right not to disclose his or her data upon notification for his or her own protection or the protection of his or her family.

§ 31. Notification of child in danger

(1) All persons who have knowledge of a child in danger shall be required to notify of the child in danger.

(2) A child in danger shall be immediately notified of through the emergency call number 112.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

In 2014, 142 sexual offences against a child with a physical contact were registered; additionally, 125 sexual offences against a child without a physical contact were registered, most of them committed through e-means.²⁹

In 2015, 204 sexual offences against a child with a physical contact were registered; additionally, 216 sexual offences against a child without a physical contact were registered, most of them committed through e-means.³⁰

In 2016, 223 sexual offences against a child with a physical contact were registered; additionally, 211 sexual offences against a child without a physical contact were registered, most of them committed through e-means.³¹

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

The Strategy's (for Violence Prevention for years 2015-2020) implementation is co-ordinated by the Ministry of Justice. Seven ministries are responsible for the Strategy's implementation; their representatives make up the lead group of the Strategy. The Strategy's implementers are the Ministry of Justice, the Ministry of Education and Research, the Ministry of Culture, the Ministry of Economic Affairs and Communications, the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Foreign Affairs with their subordinate authorities (the Estonian Forensic Science Institute, prosecutor's offices, the Police and Border Guard Board, the Estonian National Social Insurance Board, the National Institute for Health Development), as well as local governments, educational and healthcare institutions, and non-governmental organisations. Implementation of the Strategy takes place in co-operation with non-governmental organisations, local governments and their

²⁹ Crime in Estonia, chapter 10:

http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevuse_at_2015_0.pdf.

³⁰ Crime in Estonia, chapter 8:

http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus_eestis_2015.pdf.

³¹ Crime in Estonia, chapter 7:

http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus_eestis_est_web_0.pdf.

representative organisations, healthcare and educational institutions and their employee associations, as well as entrepreneurship organisations and others.

In order to realise the Strategy's operational programme and develop the sector, the sectoral networks created with the previous development plan will continue and if necessary then other networks are created. The networks include experts and practitioners from state authorities, local governments, non-governmental organisations, research institutions and entrepreneurship organisations. Representatives of those networks meet two or three times a year to discuss the developments in the sector, the issues requiring a solution, and the Strategy's reports as well as amendments to its operational programme. The meetings are summoned by the Ministry of Justice, but also by other participants if necessary or wished for.

In Estonia, there are many NGOs that work for support the victims of violence. There are several organisations and service providers (psychologists) with whom the Social Insurance Board and Victim Support Service are cooperating.

Prosecution

Question 8. Legislation

8.1. Does national law contain any reference to:

- a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

No specific reference.

- b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

No specific reference.

Although there is no specific reference to self-generated sexually explicit images and/or videos and to self-generated sexual content, in the context of offences covered by the Lanzarote Convention (Art. 18-23), it all depends still on the factual circumstances of a case. For example, if the child has been groomed (PC § 178¹) to produce/self-generate such images/videos/other content, then it is not relevant, that the child has produced/generated these herself/himself.

Also, if the child is under 10 years of age, he/she is considered incapable to comprehend (PC § 147) the meaning/consequences etc. of the sexual activities and therefore the child cannot consent to any these activities; also it is irrelevant whether or not a person under 10 years of age self-generated something by their own initiative, which all in all means that any person older than 14 years of age cannot engage into any kind of sexual activities with a person under 10 years of age.

In addition, it is punishable to offer a person of less than eighteen years of age money or any other benefits to commit any act of sexual nature (PC § 145¹). In this case it also does not matter who initiated these acts and self-generated images/videos/other content can be considered as an act of sexual nature in that context.

Further, if any type of force, violence, deceit, threatening, coercion etc. appears of if there are elements of human trafficking, then once again, it is irrelevant whether or not the child has generated any images/videos/other content of a sexual nature herself/himself. Also, it is punishable to sexually entice/lure children in any manner (PC § 179).

In a nutshell, if we have such a case where a child has apparently made any images/videos/other content of a sexual nature herself/himself on their own initiative, we look further and investigate it very thoroughly in order to understand all the relevant details.

Penal Code of Estonia³²:

§ 133. Trafficking in human beings

- (1) Placing a person in a situation where he or she is forced to marry, work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, and 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,
- (2) is punishable by one to seven years' imprisonment.
[RT I, 26.06.2017, 69 - entry into force 06.07.2017]

(2) The same act if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen 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 a group;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
- 8) committed by taking advantage of official position,
- 9) serious consequences are caused thereby;
- 10) committed by a person who has previously committed a criminal offence provided for in this section or §§ 133¹, 133², 133³ or 175;
is punishable by three to fifteen years' imprisonment.

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

(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.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) For the criminal offence provided for in this section, the court may 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 commit any of the acts specified in subsection (1) of this section.

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

§ 133¹. Support to human trafficking

(1) Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in a situation specified in subsection 133 (1) of this Code, buying sex from him or her or aiding, without prior authorisation, his or her forced acts in any other way, is punishable by up to five years' imprisonment.

[RT I, 26.06.2017, 69 - entry into force 06.07.2017]

³² <https://www.riigiteataja.ee/en/eli/524072017009/consolide>

(2) The same act if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen years of age;
- 3) committed against a person in a helpless situation;
- 4) committed by taking advantage of official position,

is punishable by two to ten 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.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) For the criminal offence provided for in this section, the court may 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]

§ 141. Rape

(1) Sexual intercourse or commission of another act of sexual nature with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by one to five years' imprisonment.

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

(2) The same act:

- 1) if committed against a person of less than eighteen years of age;
- 2) if committed by a group;

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

3) serious damage is thereby caused to the health of the victim;

4) it causes the death of the victim;

5) it leads the victim to suicide or a suicide attempt; or

6) it was committed by a person who has previously committed a criminal offence provided in this Division, is punishable by six to fifteen years' imprisonment.

[RT I 2006, 31, 233 - entry into force 16.07.2006]

[RT I, 25.09.2015, 6 - entry into force 23.09.2015 – To declare the sanction of subsection 141 (2) of the Penal Code to be in conflict with the Constitution and repealed to the extent that it prescribes 6 years' imprisonment as minimum term of punishment for commission of an act of sexual nature without using force with a child younger than ten years of age.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

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

(4) For criminal offence provided for in clause (2) 1) of this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I, 31.12.2016, 2 - entry into force 10.01.2017]

§ 143. Compelling person to engage in sexual intercourse or other act of sexual nature

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

(1) Sexual intercourse or commission of another act of sexual nature with a person against his or her will by taking advantage of the dependency of the victim on the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 141 of this Code, is punishable by up to three years' imprisonment.

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division, is punishable by up to five years' imprisonment.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

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

§ 143². Sexual intercourse or other act of sexual nature using influence

(1) Engagement in sexual intercourse or commission of another act of sexual nature by an adult person with a person of less than eighteen years of age by taking advantage of the dependency of the victim on the offender or with abuse of influence or confidence but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 141 of this Code, is punishable by two to eight years' imprisonment.

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division, is punishable by three to eight years' imprisonment.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

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

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

[RT I, 31.12.2016, 2 - entry into force 10.01.2017]

§ 144. Sexual intercourse with descendant

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

(1) Sexual intercourse or commission of another act of sexual nature by a parent, person holding parental rights or grandparent with a child or grandchild is punishable by two to eight years' imprisonment.

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

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division, is punishable by three to eight years' imprisonment.

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

§ 145. Sexual intercourse or other act of sexual nature with child

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

(1) Engagement in sexual intercourse or commission of another act of sexual nature by an adult person with a person of less than fourteen years of age is punishable by up to five years' imprisonment.

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division, is punishable by two to eight years' imprisonment.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

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

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

[RT I, 31.12.2016, 2 - entry into force 10.01.2017]

§ 145¹. Buying sex from minors

(1) Engaging in sexual intercourse or committing another act of sexual nature with a person of less than eighteen years of age for monetary payment or any other benefit is punishable by up to three years' imprisonment.

(2) An act specified in subsection (1) of this section, if committed against a person of less than fourteen years of age, is punishable by up to five years' imprisonment.

(3) The act specified in subsections (1) and (2) of this section, if it was committed by a person who has previously committed a criminal offence provided for in this Division, is punishable by two to eight years' imprisonment.

(4) An act specified in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

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

(5) For criminal offence provided for in subsections (2) and (3) of this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I, 31.12.2016, 2 - entry into force 10.01.2017]

§ 147. Inability of person of less than ten years to comprehend

Within the meaning of the offences provided for in this Division, a person is deemed to be incapable to comprehend if he or she is less than ten years of age.

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

(1) Influencing of a person of less than eighteen 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 marry against his or her will or to appear as a model or actor in a pornographic or erotic performance or work, if it does not contain the necessary elements of an offence provided for in § 133 of this Code, and aiding a person of less than eighteen years of age in another manner in the activities specified in this section, is punishable by two to ten years' imprisonment.

[RT I, 26.06.2017, 69 - entry into force 06.07.2017]

(11) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 133-1333, § 1751 or §§ 178-179, is punishable by three to ten years' imprisonment.

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

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

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

§ 175¹. Requesting access to child pornography and watching thereof

(1) Knowingly requesting access to child pornography or knowingly watching a pornographic performance involving a person younger than eighteen years of age or of a pornographic or erotic performance involving a person younger than fourteen years of age is punishable by a pecuniary punishment or up to two years' imprisonment.

[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175 or 178-179, is punishable by up to three years' imprisonment.

[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

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

§ 178. Manufacture of works involving child pornography or making child pornography available

(1) Manufacture, acquisition or storing, handing over, displaying or making available to another person in any other manner of pictures, writings or other works or reproductions of works depicting a person of less than eighteen years of age in a pornographic situation, or a person of less than fourteen years of age in a pornographic or erotic situation, is punishable by a pecuniary punishment or up to three years' imprisonment.

(1¹) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175, 175¹, 178¹ or 179 is punishable by one to three years' imprisonment.

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

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

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

[RT I, 31.12.2016, 2 - entry into force 10.01.2017]

§ 178¹. Agreement of sexual purpose for meeting with child

(1) Making a proposal for meeting a person of less than eighteen years of age who was not capable of comprehending the situation, or a person of less than fourteen 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 of sexual nature 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 three years' imprisonment.

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

(1¹) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175, 175¹, 178 or 179 is punishable by one to three years' imprisonment.

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

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

[RT I 2010, 10, 44 - entry into force 15.03.2010]

§ 179. Sexual enticement of children

(1) Handing over, displaying or making otherwise pornographic works or reproductions thereof knowingly available to a person of less than fourteen years of age, or showing sexual abuse to such person or engaging in sexual intercourse in the presence of such person or knowingly sexually enticing such person in any other manner is punishable by a pecuniary punishment or up to three years' imprisonment.

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

(11) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175, 175¹, 178 or 178¹ is punishable by one to three years' imprisonment.

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

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

- c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

Please see the articles of the Penal Code under previous point – in our national law, the sexual/pornographic materials are not limited to visual materials (images, videos etc.), but also text, sound and any other kind. We do not have a closed/exhaustive list (e.g. in PC § 178).

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

No specific reference, but also no substantive difference. Please see also explanations under 8.1 (b).

- 8.3. Are there specificities related to the fact that more children appear on the:
- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
 - b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

In Estonia, we have web-constables (police officers working in the social media platforms, being present there with their own real name/face/identity), who help both children and adults with all sorts of problems and give also advise online/in real time. Web-constables are very popular and well known among children and young people, who are not afraid to turn to them with their questions and concerns. Web-constables often notice themselves or receive information about inappropriate (violent, sexual etc.) images/videos/other materials online and can react: ask the ISPs/platforms to take such materials down, or in case of self-generated materials, web-constables can explain (what could be the consequences of posting/sharing/distributing self-generated materials in the internet) and to advise children to remove the materials. Web-constables also advise parents how to educate their children on cyber hygiene and security and how to keep an eye on the web-activities of their children. Police has close cooperation with ISPs encouraging them to take more responsibility and to act proactively to prevent making available/posting/distribution etc. of any kind of sexual materials depicting children.

In general, more children are aware of risks and danger in internet and about the consequences of uploading indecent images or videos of themselves to the internet.

Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:³³
- a. possess child self-generated sexually explicit images and/or videos?

Yes, depending on the circumstances of a specific case Penal Code § 133, 175, 178 and 178¹ may apply.

- b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?

Yes, Article 178 (Penal Code), however depending on the circumstances of a specific case, Penal Code § 133 or § 175 (or even some other article of the Penal Code) may apply.

- c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Yes, depending on the circumstances of a specific case Penal Code § 175, 178 and 178¹ may apply. Yes, depends on the purpose of the activity. Depending on the age of the child whom the picture has been sent. In practice, it may happen that children from other countries are involved or fake identity on the other side of the screen. It may be the case that a picture of one child has been used for grooming the other child (by using the picture of one child, another identity may be created).

³³ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Each case needs to be viewed separately, taking into account the parties and the context. Whether the proceedings is not initiated because potential offender is younger than 14 years of age (non-subject) or proceedings have initiated to clarify the circumstances (including to identify person and age) and case will be closed, then in both cases the child protection will be informed.

In some cases, it is possible for the prosecutor's office to request termination of the criminal proceedings by a court. That would be theoretically possible in the case of 9.1. a, for example, if the adult possessing these images is a young adult (let's say 18-21 years of age) and if the child (whose self-generated sexually explicit images and/or videos we are talking about, i.e. the child who is depicted at these materials) is e.g. 17 years of age. So, these persons are close in age and in their degree of psychological and physical development or maturity, and the investigation during the criminal proceedings prove that these materials were created without any coercion/recruitment/violence etc. Also these persons are in a consensual relationship and the investigation leads to a conclusion that these materials were created as a part of/result of, which may be regarded as the normal discovery of sexuality.

In cases like that, the Code of Criminal Procedure § 202 or 203 may apply.

§ 202. Termination of criminal proceedings in case of lack of public interest in proceedings and negligible guilt

(1) If the object of criminal proceedings is a criminal offence in the second degree and the guilt of the person suspected or accused of the offence is negligible, and he or she has remedied or has commenced to remedy the damage caused by the criminal offence or has paid the expenses relating to the criminal proceedings, or assumed the obligation to pay such expenses, and there is no public interest in the continuation of the criminal proceedings, the prosecutor's office may request termination of the criminal proceedings by a court with the consent of the suspect or accused.

(2) In the event of termination of criminal proceedings, the court may impose the following obligation on the suspect or accused at the request of the prosecutor's office and with the consent of the suspect or accused within the specified term:

1) to pay the expenses relating to the criminal proceedings or compensate for the damage caused by the criminal offence;

[RT I 2007, 11, 51 - entry into force 18.02.2007]

2) to pay a fixed amount into the public revenues or to be used for specific purposes in the interest of the public;

3) to perform 10-240 hours of community service. The provisions of subsections 69 (2) and (5) of the Penal Code apply to community service;

4) to pass a specific social programme or undergo the prescribed addiction treatment and not to consume narcotics;

[RT I, 19.03.2015, 1 - entry into force 29.03.2015]

5) to participate in a social programme.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) The term for the performance of the obligations listed in clauses (2) 1)-3) of this section shall not exceed six months. The term for fulfilment of the obligations specified in clauses (2) 4) and 5) of this section shall not be longer than eighteen months.

[RT I, 19.03.2015, 1 - entry into force 29.03.2015]

(4) A request of a prosecutor's office shall be adjudicated by a ruling of a judge sitting alone. If necessary, the prosecutor and the suspect or accused and, at the request of the suspect or accused,

also the counsel shall be summoned to the judge for the adjudication of the request of the prosecutor's office.

(5) If a judge does not consent to the request submitted by a prosecutor's office, he or she shall return the criminal matter on the basis of his or her ruling for the continuation of the proceedings.

(6) If a person with regard to whom criminal proceedings have been terminated in accordance with subsection (2) of this section fails to perform the obligation imposed on him or her, a court, at the request of a prosecutor's office, shall resume the criminal proceedings by an order. In imposition of a punishment, the part of the obligations performed by the person shall be taken into consideration. [RT I 2007, 11, 51 - entry into force 18.02.2007]

(7) If the object of criminal proceedings is a criminal offence in the second degree for which the minimum rate of imprisonment is not prescribed as punishment or only a pecuniary punishment is prescribed as punishment by the Special Part of the Penal Code, a prosecutor's office may terminate the criminal proceedings and impose the obligations on the bases provided for in subsections (1) and (2) of this section. The prosecutor's office may resume terminated criminal proceedings by an order on the bases provided for in subsection (6) of this section.

§ 203. Termination of criminal proceedings due to lack of proportionality of punishment

(1) If the object of criminal proceedings is a criminal offence in the second degree, the prosecutor's office may request termination of the criminal proceedings by a court with the consent of the suspect or accused and the victim if:

1) the punishment to be imposed for the criminal offence would be negligible compared to the punishment which has been or presumably will be imposed on the suspect or accused for the commission of another criminal offence;

2) imposition of a punishment for the criminal offence cannot be expected during a reasonable period of time and the punishment which has been or presumably will be imposed on the suspect or accused for the commission of another criminal offence is sufficient to achieve the objectives of the punishment and satisfy the public interest in the proceeding.

(2) A request of a prosecutor's office shall be adjudicated by a ruling of a judge sitting alone. If necessary, the prosecutor and the suspect or accused and, at the request of the suspect or accused, also the counsel shall be summoned to the judge for the adjudication of the request of the prosecutor's office.

(3) If a judge does not consent to the request submitted by a prosecutor's office, he or she shall return the criminal matter on the basis of his or her ruling for the continuation of the proceedings.

(4) If criminal proceedings were terminated taking into consideration a punishment imposed on the suspect or accused for another criminal offence and the punishment is subsequently annulled, the court may, at the request of the prosecutor's office, resume the criminal proceedings by an order.

(5) If criminal proceedings were terminated taking into consideration a punishment which will presumably be imposed on the suspect or accused for another criminal offence, the court may, at the request of the prosecutor's office, resume the criminal proceedings if the punishment imposed does not meet the criteria specified in clauses (1) 1) and 2) of this section.

(6) If the object of criminal proceedings is a criminal offence in the second degree for which the minimum rate of imprisonment is not prescribed as punishment or only a pecuniary punishment is prescribed as punishment by the Special Part of the Penal Code, the prosecutor's office may terminate the criminal proceedings on the bases provided for in subsection (1) of this section. The prosecutor's office may resume terminated criminal proceedings by an order on the bases provided for in subsections (4) and (5) of this section.

[RT I 2004, 46, 329 - entry into force 01.07.2004]

9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

See the provisions of Penal Code.

- 9.4. Does national law criminalise cases when adults:³⁴
- a. possess child self-generated sexual content?

Article 178 (Penal Code): possessing all self-generated sexual content of a child.

- b. distribute or transmit child self-generated sexual content to other adults?
- c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

Answer to questions b-c: yes, the main article that criminalises this, is once again, PC § 178.

In addition to that, the aims and purpose of the activities may be different. The described activities may also fall under the Article 179 (Penal Code). If the aim is grooming, then the Article 178¹ (Penal Code) may apply, where, for example, the adult transmitter/distributor is using the photo for keeping his/her real identity as a secret in order to win the trust of another child (who thinks that he/she is communicating with another child/peer). There may also be some financial interests involved and in that case Article 175 of the Penal Code may apply.

- 9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

For example if there is no pornographic or erotic content (e.g. some nudity, but no posing or other activities/behaviour that provoke some sexual arousal). It depends on the context and on the factual circumstances of the concrete case. For example if the parents have a photo of their child, then this may not fall under prosecution.

- 9.6. What are the legal consequences of the above behaviours (9.4.a-c)?
See the provision in the Penal Code.

- 9.7. Does national law criminalise cases when children:³⁵

- a. produce self-generated sexually explicit images and/or videos?

No, producing a self-generated sexually explicit images and/or videos is not criminalised. The aim of PC § 178 is not to criminalise such situations.

- b. possess self-generated sexually explicit images and/or videos?

No, possessing a self-generated sexually explicit images and/or videos is not criminalised. The aim of PC § 178 is not to criminalise such situations.

- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?

It depends what is the purpose of distributing or transmitting the images and to whom these are distributed/transmitted. In general, the aim of PC § 178 is not to criminalise such situations, nevertheless, if we are talking about children older than 14 years of age (the age of criminal responsibility is 14 years), then it is theoretically possible to generate such cases where this could lead to criminal proceedings. For example when a child is grooming/luring another child using the self-generated images with a purpose of committing a crime against that other child.

³⁴ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

³⁵ This question does not in any way suggest that these behaviours should be criminalised.

- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?

It depends what is the purpose of distributing or transmitting the images. In general, the aim of PC § 178 is not to criminalise such situations.

- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?

It depends what is the purpose of distributing or transmitting the images and on the factual circumstances of the case.

- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

It depends what is the purpose of distributing or transmitting the images and on the factual circumstances of the case.

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Even if the child who is older than 14 years of age (age of criminal responsibility in Estonia) and commits a crime, then the aim is never just to convict and to punish. In case of children in conflict with law, the main purpose of both, the legal and social sphere/authorities, is to understand the reasons behind such behaviour and to help the child, also to assess the needs of the child.

Please see also answer 9.2 – in some cases, it is possible for the prosecutor's office to request termination of the criminal proceedings by a court. Then, the Code of Criminal Procedure § 202 or 203 may apply.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

See the provision in the Penal Code.

Even if the child who is older than 14 years of age (age of criminal responsibility in Estonia) and commits a crime, then the aim is never just to prosecute and to punish. In case of children in conflict with law, the main purpose of both, the legal and social sphere/authorities, is to understand the reasons behind such behaviour and to help the child, also to assess the needs of the child.

9.10. Does national law criminalise cases when children:³⁶

- a. produce self-generated sexual content?

No, producing self-generated sexual content is not criminalised. The aim of PC § 178 is not to criminalise such situations.

- b. possess self-generated sexual content?

No, possessing self-generated sexual content is not criminalised. The aim of PC § 178 is not to criminalise such situations.

- c. distribute or transmit self-generated sexual content to peers?

It depends what is the purpose of distributing or transmitting the self-generated sexual content and to whom this content is distributed/transmitted. In general, the aim of PC § 178 is not to criminalise such situations, nevertheless, if we are talking about children older than 14 years of age (the age of

³⁶ This question does not in any way suggest that these behaviours should be criminalised.

criminal responsibility is 14 years), then it is theoretically possible to generate such cases where this could lead to criminal proceedings. For example when a child is grooming/luring another child using the self-generated sexual content with a purpose of committing a crime against that other child.

d. distribute or transmit self-generated sexual content to adults?

It depends what is the purpose of distributing or transmitting this content. In general, the aim of PC § 178 is not to criminalise such situations.

e. distribute or transmit self-generated sexual content of other children to peers?

It depends what is the purpose of distributing or transmitting this content and on the factual circumstances of the case.

f. distribute or transmit self-generated sexual content of other children to adults?

It depends what is the purpose of distributing or transmitting this content and on the factual circumstances of the case.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

Even if the child who is older than 14 years of age (age of criminal responsibility in Estonia) and commits a crime, then the aim is never just to convict and to punish. In case of children in conflict with law, the main purpose of both, the legal and social sphere/authorities, is to understand the reasons behind such behaviour and to help the child.

Please see also answer 9.2 – in some cases, it is possible for the prosecutor's office to request termination of the criminal proceedings by a court. Then, the Code of Criminal Procedure § 202 or 203 may apply.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

See the provision in the Penal Code.

Even if the child who is older than 14 years of age (age of criminal responsibility in Estonia) and commits a crime, then the aim is never just to prosecute and to punish. In case of children in conflict with law, the main purpose of both, the legal and social sphere/authorities, is to understand the reasons behind such behaviour and to help the child, also to assess the needs of the child.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2³⁷

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2³⁸

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of

³⁷ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

³⁸ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

No. The aim of PC § 178 is not to criminalise such situations.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Applicable Article § 175¹ lg 1 (Penal Code).

Question 12. Jurisdiction rules³⁹

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

The INTERPOL/EUROPOL information exchange channels are used for the exchange of information. Information that relates to criminal proceedings is being exchanged in the framework of MLA (mutual legal assistance) and the Ministry of Justice of Estonia is the central authority in this context. MLA 2000 convention allows requests for legal assistance to be forwarded directly to the executing authority. In the case of bilateral or multilateral agreements, the appointment of the central authority depends on the countries involved.

Penal Code:

§ 6. Territorial applicability of penal law

- (1) The penal law of Estonia applies to acts committed within the territory of Estonia.
- (2) The penal law of Estonia applies to acts committed on board of or against ships or aircraft registered in Estonia, regardless of the location of the ship or aircraft at the time of commission of the offence or the penal law of the country where the offence is committed.

§ 7. Applicability of penal law by reason of person concerned

[RT I 2004, 46, 329 - entry into force 01.07.2004]

- (1) The penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if:
 - 1) the act is committed against a citizen of Estonia or a legal person registered in Estonia; or
 - 2) the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act, or if the offender is an alien who has been detained in Estonia and is not extradited.

[RT I 2004, 46, 329 - entry into force 01.07.2004]

- (2) The penal law of Estonia applies:

- 1) to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and the offender is a member of the Defence Forces performing his or her duties;

³⁹ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

2) to grant, acceptance or arranging receipt of gratuities or bribes or influence peddling committed outside the territory of Estonia if such act was committed by an Estonian citizen, Estonian official or a legal person registered in Estonia, or an alien who has been detained in Estonia and who is not extradited, or such person participated therein.

[RT I, 05.07.2013, 2 - entry into force 15.07.2013]

§ 8. Applicability of penal law to acts against internationally protected legal rights

Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to any acts committed outside the territory of Estonia if punishability of the act arises from an international obligations binding on Estonia.

[RT I, 05.07.2013, 2 - entry into force 15.07.2013]

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

There are specialized police officers and investigators in all Police Prefectures of the Police and Border Guard Board, there are special units in Northern, Eastern and South Prefecture and specialized investigators in Western Prefecture. Also, there are specialised investigators supporting the child protection specialists (investigators) from cybercrime investigation units and the web constables. The child protection units manage their cases from the beginning to the end: they identify victims, direct them to assistance, investigate, interrogate, process images etc. In other words, we do not have special separate units for the abovementioned actions.

Every prefecture has a specialized IT-group in criminal information services and/or economic crime division. These units have capacity to conduct inspections of the computers. In addition, the complicated IT expert assessments are conducted by the officials of the Estonian Forensic Science Institute. All IT-crimes units cooperate closely with Child Protection Services.

There are specialised prosecutors in all regions and specialised unit in the Northern District Prosecutors' Office⁴⁰.

There are specialised investigators in all police prefectures (4 prefectures).

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

The police officers have participated in trainings concerning specifics (treatment, development of children, child's psychology etc.) related to juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

⁴⁰ <http://www.prokuratuur.ee/en/prosecutors-office/contacts>

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?

The Police and Border Guard Board does not have a special unit for victim identification. If there is information and knowledge, that the victims is from Estonia (there is a connection), then the victim will be identified from the material (quite often the offender is identified/found via the victim). Estonia offers support to other countries, if there is reasons to believe that an Estonian victim is involved with proceedings in other countries. There is cooperation with INTERPOL over ICSE DB. Estonia takes part in international cooperation networks (Victim Identification Task Force).

- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

The lack of resources, limited number of ICSE data base user. The Police and Border Guard Board has interest in training police officers and using IVSE DB in child sexual abuse investigation/cases.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Individuals who are using mobile phones to connect to the internet to facilitate criminal activities cannot be identified because globally 90% of mobile internet access providers have adopted CGN technology, which prevents them from complying with their legal obligations to identify individual subscribers.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?

Yes, there have been trainings for the police, web-constables and prosecutors (specialised in working with child sexual abuse cases). The police officers from the child protection unit have trained also police dealing with juveniles.

Since 2012 there are 3-week training programmes for law enforcement (mainly for the police and prosecutors) on investigation and proceeding of child sexual abuse cases (also interviewing the children) at the Estonian Academy of Security Sciences.

The police officers have participated at International trainings (mainly CEPOL, EUROPOL, INTERPOL) and working groups (Task Force), which have had their focus on online child sexual abuse and coercion and its investigation or victim identification.

- b. prosecutors?

See also above. The prosecutors have participated also at a EUROPOL training course on Combating Online Sexual Exploitation of Children (in Germany). Also prosecutors have participated at the CEPOL training on topics involved with child sexual abuse.

c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

See above.

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

Estonia (Estonian Union of Children's Welfare) is part of the INHOPE network.

Child helpline 116 111 (Estonia) is part of the Missing Children Europe network.

- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- Cooperation with other countries in respect to criminal proceedings. State's obligation to cooperate with other countries depends on different agreements: Palermo convention etc.
 - Police cooperation with EUROPOL/INTERPOL:
 - Information exchange with member-countries;
 - Participation in European-wide prevention campaigns (i.e. "Say No").
 - Estonia has taken part of the work and projects of Council of Baltic Sea States (Children at Risk)⁴¹, for example the PROMIS I and II and launching of Barnahus (children's homes). With the help of these projects Estonian specialists have received trainings for better recognising the signs of violence and giving support to children.
 - In cooperation with Latvian Dardedze Centre, there have been trainings on interviewing children – the specialist from two countries learned how to delicately interview children and ask questions about issues concerning sexuality and violence.
 - Estonian Union of Child Welfare in the "Smartly on the Web" project is part of the INSAFE and INHOPE network.
 - Child helpline 116 111 (Estonia) is a member of Missing Children Europe.
 - There is cooperation with Latvia and Confederation of European Probation (CEP)⁴² for organising a conference on the work of probation with sexual offenders in 2018 in Riga. Participation in the network. Exchange of good practices with Finland, Norway and Denmark for better prevention and treatment of children and adults with sexual behaviour problems.

⁴¹ <http://www.cbss.org/safe-secure-region/eg-on-children-at-risk/>

⁴² <http://www.cep-probation.org/>

- Estonia belongs to the European Crime Prevention Network (EUCPN)⁴³ and sharing information within the network.

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

See above.

⁴³ <http://eucpn.org/>