



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/OPSC/EST/1  
20 July 2009

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL  
PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE  
CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION  
AND CHILD PORNOGRAPHY**

**Initial report of States parties due in 2006**

**ESTONIA**

[15 May 2008]

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## I. INTRODUCTION

1. This is Estonia's first report on the measures it has taken to implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The report has been drawn up following the reporting guidelines adopted at the twenty-ninth session of the Committee on the Rights of the Child on 1 February 2002.
2. Estonia acceded to the Convention on the Rights of the Child on the basis of a decision of 26 September 1991 of the Supreme Council of the Republic of Estonia. The instrument of accession was deposited with the United Nations Secretary-General on 21 October 1991 and the Convention entered into force in respect of Estonia on 20 November 1991. The text of the Convention was published in Part II of the State Gazette of Estonia. Legislation published in the State Gazette is accessible on the Internet at [www.riigiteataja.ee](http://www.riigiteataja.ee). Part II of the State Gazette contains international treaties and their translations into Estonian. The Constitution of Estonia (adopted on 28 June 1992) determines the status of rules of international law in the Estonian legal system. If Estonian laws or other legislation conflict with international treaties ratified by the *Riigikogu* (the Parliament of Estonia), the provisions of the international treaty apply under chapter I, section 3, and chapter IX, section 123, of the Constitution. Accordingly, the Convention on the Rights of the Child ratified by the *Riigikogu* also forms an inseparable part of the Estonian legal system and is directly applicable by the courts.
3. Estonia signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography on 24 September 2003 and ratified it on 2 June 2004. The Protocol entered into force in respect of Estonia on 3 September 2004.
4. This report was drawn up by the Ministry of Social Affairs. Information was also received from the Ministry of Justice, the Ministry of Internal Affairs, the non-profit associations the Estonian Union for Child Welfare and Living for Tomorrow, the Tartu Child Support Centre, the Tallinn Family Centre, the Police Board, as well as other cooperation partners and institutions. After its completion, the report was sent to eight non-governmental organizations for consultation. Their comments and suggestions were fully taken into account in revising the report.
5. Violations and abuses described by the Optional Protocol are punishable under the Penal Code, with relevant proceedings conducted under the Code of Criminal Procedure.
6. Different laws provide for protection of children with respect to different risks. Protection of children against abuse, neglect, or poor treatment in general is regulated by several laws, such as the Child Protection Act, the Juvenile Sanctions Act, the Family Law Act, the Social Welfare Act, and the Act to Regulate Dissemination of Works Containing Pornography or Promoting Violence or Cruelty. The Victim Support Act regulates the victim support system and the procedure for payment of State compensation to victims of crime.
7. The texts of the legal acts referred to in the report (including the Estonian Constitution, the Penal Code, the Code of Criminal Procedure, the Child Protection Act, the Juvenile Sanctions Act, the Family Law Act, the Social Welfare Act, and the Act to Regulate Dissemination of

Works Containing Pornography or Promoting Violence or Cruelty), as well as other Estonian legislation, are available in English at [www.legaltext.ee](http://www.legaltext.ee). Information about projects carried out in the framework of the Council of the Baltic Sea States, and studies and surveys on the sale of children, child prostitution and pornography are available at [www.childcentre.info](http://www.childcentre.info).

8. Under the Constitution (chap. II, sect. 13), everyone has the right to State protection. Estonia also protects its citizens abroad. In line with the Constitution (chap. II, sect. 18), no one may be subjected to torture or to cruel or degrading treatment or punishment. The Constitution (chap. II, sect. 12) also asserts the principle of non-discrimination, so that everyone is equal before the law and no one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.

9. The principle of non-discrimination is also contained in the Child Protection Act. Under section 10 of the Act, all children have an equal right to receive assistance and care and the right to development, regardless of their sex or ethnic origin, and regardless of whether they live in a two-parent family or single-parent family, whether they are adopted or under curatorship, whether they are born in or out of wedlock, or whether they are healthy, sick or disabled. According to the Act, child protection in Estonia is based on the principle that the best interests of the child must be a primary consideration at all times and in all cases. The principle of considering the child's opinion and participation is reflected in sections 11 and 16 of the Act.

10. The Child Protection Act (sect. 14) addresses protection of children from economic, physical, and mental exploitation. It requires that a child must be protected from economic exploitation and from performing work which is hazardous, beyond the child's capabilities, harmful to the child's development, or which may interfere with the child's education. Under section 14, paragraph 2, a child may not be subjected to physical or mental exploitation. Section 33 of the Act addresses protection of children from sexual abuse. This means that a child must be protected from all forms of sexual exploitation, including inducement by adults to engage in sexual activity, use of children in prostitution, or use of children for pornographic purposes. Section 50 prohibits producing or distributing obscene (pornographic) materials, printed matter and films for or among children. Using children in production and distribution of obscene materials is also prohibited.

11. The Act to Regulate Dissemination of Works Containing Pornography or Promoting Violence or Cruelty was adopted to protect both the public interest and children, but also with the aim of creating an institution competent to determine whether the contents of a work are pornographic or promote violence or cruelty. Government Regulation No. 253 of 8 August 2002 provides for bodies competent to monitor the use of children in employment and other activities. The Police Board monitors that children are not used for work unsuitable for them or for other activities inappropriate for children, including pimping of children for prostitution, or use or pimping for the production of pornographic works or for pornographic performance. The Labour Inspectorate monitors that children are not used for work that, by its nature or conditions, endangers the health, morality, or education of the child, or is dangerous to a child for other reasons.

12. The Advertising Act (sect. 9) addresses the use of children in advertising. Section 9, paragraph 1, prohibits using a child in advertising without prior written consent of the child's legal representative. Additionally, section 9, paragraph 2, prohibits using a child to advertise products or services if sale of the advertised product or provision of the advertised service to children is prohibited. Section 9, paragraph 3, prohibits using a child in an advertisement in a way that reveals the child's genitals.

13. The Social Welfare Act imposes on local authorities a duty to organize social welfare of children and create an environment suitable for their development. Local authorities must take measures to prevent mistreatment of children and provide necessary assistance. Under section 25 of the Act, a child may be separated from its home and family in the following cases:

- Deficiencies in the care and raising of a child endanger the child's life, health, or development, or if a child endangers its own life, health, or development by its behaviour
- Other measures applied with respect to the family and child have not been sufficient or their use is not possible
- Separation of a child from the family is effected in the interests of the child

14. The subsequent residence, care, and raising of a child separated from its home and family is arranged by the rural municipality or city authority.

15. On 14 June 2007, amendments to the following Acts were adopted: the Republic of Estonia Child Protection Act; the Basic Schools and Upper Secondary Schools Act; the Social Welfare Act; the Punishment Register Act; the Private Schools Act; the Vocational Educational Institutions Act; the Pre-school Child Care Institutions Act; the Youth Work Act; the Penal Code; the Code of Misdemeanour; and the Hobby Schools Act. The amendments prohibit persons punished for committing a sexual offence from working in educational establishments, childcare and youth work institutions, or from engaging in provision of social services to children. Under the Child Protection Act (sect. 33), a child's legal representative is entitled to receive information about another person's convictions for sexual offences if they have a justified interest arising from considerations of protecting the child. Justified interest mainly exists where a child is under supervision of another person without the presence of the legal representative.

16. On 16 October 2003, the Government approved the "Strategy for Guaranteeing the Rights of the Child" for 2004-2008. The Strategy aims at better and more coordinated implementation of the Convention on the Rights of the Child, so that the principles of the Convention and its Optional Protocols are implemented to guarantee basic and special needs of all children living in Estonia with the support of the family, community, and environment.

17. The Strategy lays down the following objectives for the State in guaranteeing the rights of the child:

**Part I of the Strategy focuses on objectives relating to satisfying the basic needs of children:**

- (a) Welfare and scope for development of each child is guaranteed through a family-centred approach and an intersectoral systematic cooperation network;
- (b) Equal opportunities are guaranteed for access to high-quality education meeting the abilities of each child;
- (c) Each child is supported in achieving better health and mental, emotional, and physical well-being;
- (d) Each child is guaranteed opportunities and conditions for their development outside the family and outside formal education and employment.

**Part II of the Strategy focuses on objectives relating to satisfying special needs of children:**

- (a) Reducing the number of children living in poverty or at risk of poverty;
- (b) Measures are taken to include children with disabilities in society;
- (c) Equal opportunities are created for children with special educational needs to participate in society;
- (d) Opportunities are created to integrate children belonging to national minorities or other marginalized groups;
- (e) Measures are guaranteed to assist and support children without parental care;
- (f) Measures are guaranteed to prevent mistreatment of children and to provide all-round support to mistreated children.

In order to reach the objectives set out in point (f) above:

- (a) Measures are taken to prevent mistreatment of children;
- (b) Measures are taken to raise community awareness of how to recognize mistreated children and notify the relevant support institutions;
- (c) A system is developed to assist mistreated children.

**The objectives in Part III of the Strategy focus on development of well-functioning systems to ensure the well-being of children:**

- (a) Each child is ensured an opportunity to grow up in a family;
- (b) A safe and child-friendly environment is created for each child;
- (c) A system is developed for effective organization of child protection.

18. A national action plan is drawn up for each year, reflecting the activities foreseen for achieving objectives set out in the Strategy. Since 2004, with the ratification of the Optional Protocol, more focus in national action plans has been placed on preventing mistreatment of children, child trafficking, child prostitution and pornography, and the fight against these phenomena.

19. An inter-ministerial working group has been set up to draft, implement and supervise the Strategy. The working group consists of representatives from the Ministry of Social Affairs, the Ministry of Education and Research, the Ministry of Culture, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Finance, the Office of the Minister for Ethnic Affairs and Population, and the Estonian Union for Child Welfare. Each participant coordinates the activities of their area of competence and supervises the performance of tasks. Drafting the action plan and submitting the relevant reports to the Government is the task of the Ministry of Social Affairs.

20. The Union for Child Welfare has emphasized the need that, in addition to reporting on the implementation of the action plans, in the future, the working group should also analyse the impact of the activities to determine how much the implemented activities have contributed to achieving the objectives set out in the Strategy.

21. Several other State Strategy documents include topics of the Optional Protocol as priority actions.

### **Guidelines for Development of Criminal Policy until 2010**

22. The Guidelines for Development emphasize, for example, the State's need to develop a system that allows shortcomings in a child's environment to be noticed and eliminated as early as possible, as well as measures aimed at preventing dropping out from basic school. In addition, development of a system to assist victims of crime is planned. The Guidelines emphasize that crime prevention with respect to minors must be swift and procedures must take into account the legal interests of the minor.

### **Development Plan of the Ministry of Justice until 2012**

23. Issues relating to minors within the meaning of the Optional Protocol form a separate part of the chapter on criminal policy and are defined through the following measures:

#### **Measure 3: prevention of crimes against minors**

The following activities are planned:

- (a) Restricting spheres of activity of convicted sex offenders in occupations involving contact with minors, and creating a register of sex offenders (implemented in 2007);
- (b) Monitoring the practice of imposing restraining orders (including for the protection of victims who are minors) and punishments for criminal offences committed in respect of children.

#### **Measure 4: reduction of criminality in connection with human trafficking**

The following activities are planned:

- (a) Drawing up annual summaries of implementing the Development Plan for Combating Trafficking in Human Beings 2006-2009, organizing round-table meetings within the national network of combating human trafficking, and developing cooperation;
- (b) Analysing crimes related to cases of human trafficking;
- (c) Harmonizing the European Union Framework Decision on Combating Trafficking in Human Beings (2007);
- (d) Harmonizing the Optional Protocol to the United Nations Convention against Transnational Organized Crime (2007);
- (e) Analysing the experience of other countries with the aim of finding effective means for reducing the demand for trafficking in human beings;
- (f) Accession to the Council of Europe Convention on Action against Trafficking in Human Beings (planned in 2008).

#### **Ministry of Social Affairs Development Plan for 2007-2010**

24. Objectives related to the rights of the child are covered by the measure contained in paragraph 17, part III, of the Strategy, point (a), above. This sets the following main objectives to 2010:

- Activity 1: implementing the action plan for combating trafficking in children
- Activity 2: developing social services for children
- Activity 3: creating an environment conducive to health and safety

#### **Development Plan for Combating Trafficking in Human Beings 2006-2009**

25. The Government approved the Development Plan for Combating Trafficking in Human Beings on 26 January 2006. The Plan contains strategic objectives in the fight against human trafficking and sets out the main measures and activities for achieving these objectives in 2006-2009. The overall aim of the Plan is to improve the fight against human trafficking. It contains six strategic sub-objectives to achieve this aim. One of these is to assist and rehabilitate victims of human trafficking. The part dealing with prevention of the sale of children, child prostitution and child pornography was added to the Plan in 2007.

26. The Plan contains three measures specifically aimed at children:

- (a) Consistently raising the professionalism of specialists working with children; organizing in-service training for workers of child welfare institutions and training for child protection workers;

(b) Participating in the working group for Cooperation on Children at Risk under the Council of the Baltic Sea States;

(c) Noticing the needs of the child, and intervention: operating and expanding a help and information line for children.

27. Additional measures are aimed at both grown-ups and children (e.g. training events, lectures, surveys, counselling line to prevent human trafficking and assist victims, cooperation within Estonia and internationally, exchange of intelligence and more efficient prosecution of crimes). In connection with prevention of human trafficking, attention is also paid to issues relating to border-crossing of minors.

#### **Laulasmaa Declaration of August 2005** (revised in December 2005 and March 2006)

28. The Minister of Justice and the Minister of Internal Affairs announced their joint principles under the Declaration in 2005. These proceed from the need to determine common goals in the fight against crime: reduce the effect of organized crime, guide juvenile offenders to avoid committing new offences, and, first of all, prevent children from becoming victims of crime.

29. The Minister of Justice and the Minister of Internal Affairs consider the following areas as common priorities for the prosecutors' offices and the police:

(a) Combating crimes committed by and against minors, in particular violent and sexual crimes involving child victims;

(b) Combating organized crime, in particular:

- Crime involving narcotic and psychotropic substances
- Crime involving trafficking in human beings

30. In July 2007, the Minister of Internal Affairs and the Minister of Justice met to discuss the implementation of the Laulasmaa Declaration. It was decided that there was no need to change the priorities laid down in the Declaration. With regard to human trafficking, more attention needs to be given to issues of illegal immigration and enslavement.

#### **Development Plan for Reduction of Juvenile Delinquency 2007-2009**

31. The Government has approved a Development Plan with priorities of preventing and combating crimes committed by minors for the period 2007-2009, and has planned the necessary measures and resources for this.

32. All activities related to guaranteeing the rights of the child, including issues related to implementing the Optional Protocol on the sale of children, child prostitution and child pornography, proceed from the principle of ensuring the best interests of the child and the child's right to life, safety, and all-round development. Furthermore, child-friendliness has become an important universal principle in criminal and judicial procedure. Children are also more

frequently involved in decision-making concerning activities aimed at them. Good cooperation partners among child protection organizations include, for example, the Youth Forum of the Estonian Union for Child Welfare and the Estonian Student Councils Union (*Eesti Õpilasmavalitsuste Liit*).

33. Legislation requires that a child's opinion must be sought when making decisions concerning the child. Under the Republic of Estonia Child Protection Act, children may participate in preparing child protection programmes through representatives chosen by themselves (sect. 16).

34. Implementing the Optional Protocol falls within the area of competence and responsibility of the Ministry of Justice, the Ministry of Internal Affairs and the Ministry of Social Affairs. The Ministry of Justice and the Ministry of Internal Affairs are responsible for implementing aspects relating to criminal law and criminal procedure. Child protection and guaranteeing the rights of the child, provision of social services and gender equality fall within the area of responsibility of the Ministry of Social Affairs. These Ministries cooperate closely with other Ministries, county and local authorities, non-profit associations, and other organizations to ensure optimum protection of the rights of the child.

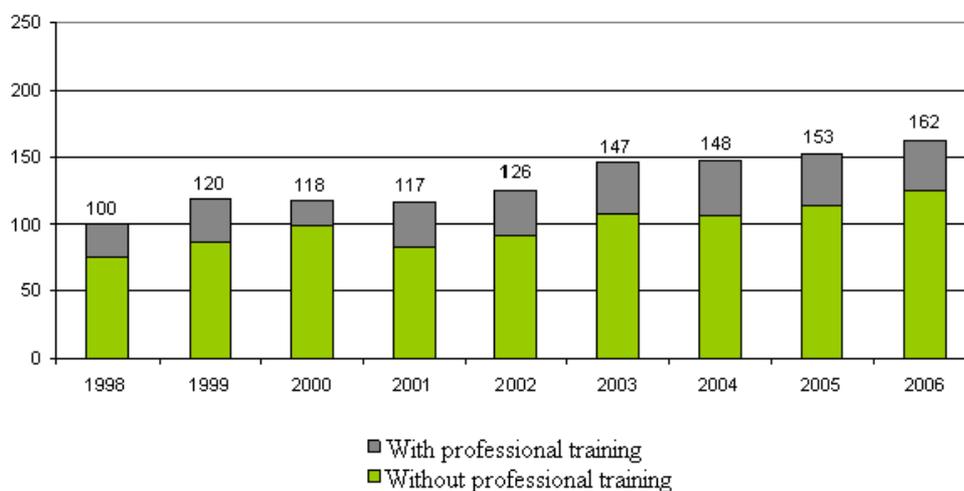
35. The task of the Chancellor of Justice in Estonia is to exercise constitutional review. The Chancellor of Justice currently also performs the functions of ombudsman. In practice, a structural unit to which the Chancellor has delegated this task monitors the situation of the rights of children.

36. Child protection in Estonia is guaranteed through national, local, and social structures. Organization of social services is a function delegated to local authorities under the Social Welfare Act. Local authorities arrange the majority of social services, except rehabilitation services and welfare of persons with special psychological needs. Services provided to child victims include, for example, a shelter service, social and psychological counselling, and services of a support person. The State provides financial assistance to local authorities for improving the quality and accessibility of existing services and developing new services. In addition, preparatory work has been launched to use money from the European Social Fund to train social workers to improve and create social welfare services on a local level.

37. Child protection workers operate according to the principle of case management. Thus, they also deal with cases of children who have become victims of violence or mistreatment. A child protection worker deals with the case of a particular child in cooperation with the police, medical workers, psychologists, victim support workers and other members of the network, so as to develop the necessary support scheme for the child. Currently 162 child protection workers operate in 227 local authorities in Estonia. In local authorities lacking a child protection worker, the relevant functions are performed by a social worker. The concept of child protection in Estonia aims at reaching a ratio of 1 child protection worker for every 1,000 children and the State supports local authorities through funding intended for developing social services.

**Figure I**

**The number of child protection workers in 1998-2006<sup>1</sup>**



38. A lack of professional training by some child protection workers is still somewhat problematic. However, the State regularly organizes professional training, so that the majority of child protection workers have been able to acquire the necessary professional competence.

39. Persons aged 0-17 formed 19.3 per cent of the total population on 1 January 2007. At the end of 2006, 162 child protection workers were at work in local authorities. Based on the number of children, there were 1,596 children per 1 child protection worker in Estonia in 2007.

40. Non-profit associations in Estonia very actively carry out projects and campaigns and provide services related to implementing the aims of the Optional Protocol. The main non-profit actors in this area are the Estonian Union for Child Welfare, the Tartu Child Support Centre, the Tallinn Child Support Centre, the Estonian Women's Studies and Resource Centre, the Aids Prevention Centre, and Living for Tomorrow.

41. In recent years, the Estonian media have increasingly extensively covered issues related to the sale of children, child prostitution and child pornography. Media interest in incidents of sexual abuse of children has grown. However, coverage of the issues tends to be case-based, while cases of sexual abuse of children are often treated as sensational news. Media coverage often identifies suspects in addition to convicted persons, which may lead to identifying child victims and may also interfere with the smooth conduct of criminal proceedings. Although some Estonian newspapers have treated the topic of sexual abuse of children from a sensational angle, the major daily newspapers pay more attention to ethical principles when delivering sensitive news.

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<sup>1</sup> Statistics from the Ministry of Social Affairs.

42. In addition to sensation-oriented coverage of specific cases, it could also be considered as somewhat problematic that little analytical treatment is given to issues in the media to inform people of the possibilities to prevent or respond to sexual abuse of children. With the support of the Ministry of Social Affairs, the daily newspaper *Eesti Päevaleht* has published inserts on the topic of violence. In February 2007, in cooperation with the Ministry of Social Affairs and Tallinn Child Support Centre, the *Eesti Päevaleht* published an insert on the topic of sexual mistreatment of children.
43. Various campaigns and information events (for example, the campaigns: Don't Hit a Child; When Love Hurts; A Child is not a Doll; and Growing Together) and debates in the media have been organized to raise public awareness to notice, notify, and prevent cases of mistreatment of children.
44. Different specialists and officials have been regularly trained to provide information about the rights of the child, human trafficking, sexual abuse, and other topics related to violence. Child protection workers, social welfare workers, psychologists, medical workers, teachers, and workers in welfare institutions have been trained to deal with sexually abused or trafficked children.
45. Considerable attention has been paid in recent years to training police officers, prosecutors, and judges. Since 2003, police officers have regularly participated in seminars and training events organized by higher educational establishments, government agencies, and non-profit associations. Police officers have also attended a training seminar on EU Child Protection Standards, organized in the framework of the Estonian Social Programme and the European Union AGIS project.
46. In the framework of the PHARE project "Improving investigation involving digital evidence", launched in summer 2004, training was provided to police officers, while new technical equipment and means for analysing digital evidence was procured for police prefectures. The police were also trained to find child pornography on the Internet. Regular training seminars have been held for police on child-related issues since 2004. The police and prosecutors' offices include people specially trained to interview children and conduct criminal proceedings involving minors. Special rooms with a child-friendly appearance and the necessary technical means have been equipped for interviewing children.
47. A child assault prevention programme (CAP) for children aged 6-10 is available for schools and kindergartens on request. The programme provides children with knowledge and skills for recognizing risk situations and reacting to them. The programme has been implemented in Estonia under the leadership of the Tartu Child Support Centre since 2000. In the framework of the programme and with the help of other non-profit associations, programme facilitators and children in kindergartens and schools have been trained all over Estonia.
48. Training for parents is organized by the non-profit association *Perekoolitusühing Sina ja Mina* ("Family Training Association You and Me") which follows Thomas Gordon's P.E.T. parent training methodology. The programme reached Estonia through Finland at the beginning

of the 1990s. Finns trained trainers of parents in Estonia and until 2004 training sessions in different parts of Estonia were held without any central coordination only on the basis of the trainers' own initiative. In 2004, *Perekoolitusühing Sina ja Mina* launched a parent training system, organized new training for trainers, and entered into cooperation with other non-profit associations and the State. The aim of the training is to teach parents to notice a child's problems, effectively resolve conflicts, and provide parents with social skills and practical support to improve communication with children. The family centre has approximately 60 trainers who operate all over Estonia. The family centre's training programmes are supported by the Ministry of Justice, so as to enable less well-off families to participate in the training, too.

49. Within a training project organized by *Perekoolitusühing Sina ja Mina*, 21 groups in four counties (Lääne-Virumaa, Viljandimaa, Võrumaa, and Tartumaa) were trained in 2006. The training involved 275 parents. From February 2006 to January 2007, six training sessions for social workers were carried out to inform them about the substance of training provided to parents and about the need to implement this model for parents in their respective regions. A total of 93 local government social and family workers were trained in 2006 in Lääne-Virumaa, Viljandimaa, Võrumaa, and Tartumaa Counties.

50. In the period 2001-2005, the police system contained no integrated statistics about domestic violence. In 2004, the Western Police Prefecture (whose service area includes counties in western Estonia and also Järva County in central Estonia) on its own initiative started dealing with domestic violence and maintaining relevant statistical records within its territorial jurisdiction. A total of 754 cases of domestic violence were registered in their territory in 2004-2005. In half the cases, the families had children. In 82 per cent of the cases, children had witnessed violent incidents in the family.

51. In 2004, researchers (K. Soo and D. Kutsar) at the University of Tartu, in cooperation with the Ministry of Social Affairs, the Council of the Baltic Sea States Expert Group for Cooperation on Children at Risk, and Tartu Child Support Centre, carried out a survey "Experience of and attitudes towards sexual mistreatment among young people in Estonia". This was the first major representative survey of its kind in Estonia involving a large number of respondents. The survey explored the values of young people, their attitudes towards sexual mistreatment, and the extent of sexual mistreatment of children in Estonia. The survey formed part of a larger international comparative survey involving Baltic Sea countries. The international aspect makes it possible to compare the results and develop common preventive strategies against mistreatment of children in the Baltic Sea region. The survey involved 1,943 pupils aged 16-19 from general education and vocational schools.

52. No occurrence or experience of prostitution among 16 year olds was found in the survey. Only 0.2 per cent of 17-year-old respondents claimed to have performed oral sex or engaged in sexual intercourse for remuneration. However, it was found that 2.2 per cent of 16 year olds and 2.9 per cent of 17 year olds considered it possible that they could engage in sexual intercourse for remuneration. The survey also probed young people's opinions about sexual relationships between children and adults. It was found that young people of Russian origin were more liberally minded in this respect than Estonians.

**Table 1****Occurrence of types of sexual mistreatment, by gender and ethnic nationality  
(in number and percentage)<sup>2</sup>**

Type of mistreatment	Estonian boy		Estonian girl		Russian boy		Russian girl		Total
	No.	%	No.	%	No.	%	No.	%	%
Someone has exposed themselves naked to the respondent	61	9.4	112	15.7	9	3.9	25	7.2	10.8
Someone has groped the respondent	70	10.8	305	42.8	12	5.2	102	29.6	25.3
Someone has forced the respondent to masturbate	5	0.8	4	0.6	2	0.9	7	2	0.9
The respondent has been forced to have sexual intercourse	3	0.5	44	6.2	4	1.7	28	8.1	4.1
The respondent has been forced to perform oral sex	4	0.6	23	3.2	3	1.3	10	2.9	2.1
The respondent has been forced to perform anal sex	2	0.3	12	1.7			8	2.3	1.1

53. According to the survey, almost one in five respondents had experienced at least one kind of sexual mistreatment. Mostly, the person mistreating the respondent was someone they knew (57 per cent of respondents), in 28 per cent of cases the respondent had been mistreated by a stranger, and in 9 per cent of cases by a family acquaintance or friend.

<sup>2</sup> “*Seksuaalse väärkohtlemise kogemused ja hoiakud Eesti noorte hulgas*” (“Experience of and attitudes towards sexual mistreatment among young people in Estonia”, K. Soo and D. Kutsar, 2004).

**Table 2**

**Sources of access to pornographic material, by gender and ethnic nationality  
(in number and percentage)<sup>3</sup>**

	Estonian boy		Russian boy		Estonian girl		Russian girl		Total
	No.	%	No.	%	No.	%	No.	%	%
From which sources does the young person find pornographic material?									
Magazines	441	68.3	91	39.4	350	49.2	102	29.6	50.9
Films via cable or satellite television	400	61.9	117	50.6	323	45.4	128	37.1	50.1
Loan or personal video films	152	23.5	34	14.7	79	11.1	24	7.0	14.9
Internet	449	69.5	149	64.5	160	22.5	70	20.3	42.8
What kind of pornographic material is watched?									
Sex between adult man and woman	546	84.5	173	74.9	477	67.0	190	55.1	71.7
Sex between two same-sex adults	185	28.6	32	13.9	163	22.9	48	13.9	22.1
Sex involving use of violence or force	32	5.0	8	3.5	29	4.1	5	1.4	3.8
Sex between adults and children	25	3.9	12	5.2	3	0.4	4	1.2	2.3
Sex with animals	37	5.7	9	3.9	13	1.8	6	1.7	3.4
Group sex	220	34.1	68	29.4	156	21.9	59	17.1	26.0

54. As children and young people have relatively tolerant attitudes towards prostitution and pornography, the role of sexual education should be seen as important. To educate young people about sexual issues and to provide counselling in case of sexual problems, the Estonian Association of Sexual Health has established 16 counselling centres for young people of up to 24 years old throughout Estonia.

55. In 2006 and 2007, the Ministry of Justice organized a competition of student papers on criminology and penal law. Some of the papers also dealt with issues of regulation of criminal offences committed by and against minors (e.g. paedophilia, interviewing child witnesses, alcohol consumption among minors, definition and interpretation of violence against girls in need of special conditions). The best papers were published on the website of the Ministry of Justice.

<sup>3</sup> “*Seksuaalse väärkohtlemise kogemused ja hoiakud Eesti noorte hulgas*” (“Experience of and attitudes towards sexual mistreatment among young people in Estonia”, K. Soo and D. Kutsar, 2004).

56. The following example illustrates the most serious case of sexual mistreatment of children in Estonia in recent years. It led to a court conviction and was covered by the media, in particular because the convicted paedophile was a publicly known figure.

57. On 21 December 2006, Harju County Court convicted T.H.L. under sections 121, 142, paragraph 2, 145, 146, 177, paragraph 1, and 178, paragraph 1, of the Penal Code. T.H.L. was convicted on 20 counts of crime and was sentenced to five years' imprisonment. Under summary procedure, one third of the sentence was deducted and thus the final sentence was three years and four months' imprisonment. This was the maximum possible punishment for these criminal offences. T.H.L. was the former manager of a boys' choir who, in the period 2002-2006, used three boys to satisfy his sexual desire. All the boys were from decent homes and T.H.L. had good relations with their families. He got to know his victims in various ways. For example, he asked one boy to be a model for an advertising brochure. Once the friendship developed, he invited the boy on holidays to exotic locations. In Estonia, they stayed in hotels where T.H.L. shared the same bed with the boy. He also sadistically beat one 13-year-old boy, as proved by three video tapes found at his home. This was the first case that ended with a court conviction for offences that qualify as sexual sadism.

58. T.H.L. appealed his conviction and punishment under section 145 of the Penal Code in the Tallinn Court of Appeal and later in the Supreme Court. The Supreme Court returned the case for reconsideration to Harju County Court. The Supreme Court found that the lower instance courts, when convicting T.H.L. for commission of criminal offences abroad under section 145 of the Penal Code, had failed to verify whether those acts were punishable in the countries where they had been committed. Proceedings in the first instance court are pending (as at March 2008).

59. Problems of sexual mistreatment of children have only recently gained more systematic treatment in Estonia. This is done by organizing cooperation between specialists from different fields, training police officers, and developing support services for abused children. Psychologists, medical workers, and police officers also dealt with these issues earlier but they lacked the necessary training and awareness. Gaps in legislation also existed. A highly positive trend has been the activity of non-profit organizations in initiating and developing the relevant services. The Tartu Child Support Centre started assisting abused children and their families in 1995, and the Tallinn Child Support Centre has offered psychological counselling to abused children since 1998. Both organizations have been active in raising the awareness of society and organizing training for specialists from different fields, including police officers and investigators.

60. A positive development in recent years is also related to the Parliament's increased attention to detecting crimes against children and preventing crimes committed by children. Both the Penal Code and the Code of Criminal Procedure have been revised and amended in recent years. This has helped to improve early detection of crimes, while criminal procedure has become quicker and more effective. The State has contributed to training law enforcement officers so that now specially trained police investigators and prosecutors are available who are competent to deal with matters involving children.

61. Duties of the State in the coming years in connection with combating the sale of children, child prostitution and pornography include improving the availability and quality of services, raising professional qualifications of specialists in different fields, increasing the awareness of society, and developing cooperation networks both on the national and international levels.

62. In terms of accessibility and quality of service, it is necessary to improve the system of assisting sexually abused children, so as not to cause any additional traumas for a child who has already been a victim of mistreatment. Presently, several different agencies deal with sexually abused children. The aim is to create a system where a child receives all the necessary services from one place.

63. In respect to accessibility of the service it is important to expand opportunities for psychological counselling and therapy.

## **II. PROHIBITION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

64. Estonian legislation prohibits the sale of children, child prostitution and child pornography. The Acts listed in article 3, paragraph 1, of the Optional Protocol are punishable under the Penal Code.

65. Under the Republic of Estonia Child Protection Act, a person under 18 years of age is considered to be a child.

66. The sale or purchase of children is punishable by one to five years' imprisonment. The same act, if committed by a legal person, is punishable by a pecuniary punishment (sect. 173 of the Penal Code).

67. Use of a person under 14 years of age as a model or actor in producing a pornographic or erotic picture, film, or other work, and use of a person under 18 years of age as a model or actor in producing a pornographic picture, film, or other work is punishable (sect. 177 of the Penal Code). Thus, in case of a pornographic work, protection extends to persons up to 18 years old, and in case of erotic works to persons up to 14 years old.

68. Producing, storing, handing over, displaying, or making available in any other manner pictures, writings, or other works or reproductions of works depicting a person under 14 years of age in a pornographic or erotic situation or a person under 18 years of age in a pornographic situation qualifies as child pornography. Such acts are punishable by a pecuniary penalty or up to three years' imprisonment. The same acts committed by a legal person are punishable by a pecuniary penalty (sect. 178 of the Penal Code).

69. The Estonian non-profit association Legal Information Centre for Human Rights (LICHR) notes the fact that, in Estonia, depicting a person under 18 years of age in a pornographic situation is qualified as child pornography and commends this as a sign of an active fight against child pornography in Estonia. Such an amendment to the Penal Code entered into effect on 16 July 2006.

70. Handing over, displaying or otherwise knowingly making available pornographic works or their reproductions to a person under 14 years of age, or engaging in sexual intercourse in the presence of such person or knowingly sexually enticing such person in any other manner qualifies as sexual enticement of children. Such acts are punishable by a pecuniary penalty or up to one year's imprisonment. The same acts committed by a legal person are punishable by a pecuniary penalty (sect. 179 of the Penal Code).

71. Aiding prostitution involving a person under 18 years of age by mediation, provision of premises, or in any other manner qualifies as aiding prostitution involving minors. Such acts are punishable by a pecuniary penalty or up to five years' imprisonment (sect. 176 of the Penal Code). Influencing a person under 18 years of age by inducement, threat or any other act in order to cause them to commence or continue prostitution qualifies as disposing minors to engage in prostitution. Such acts are punishable by a pecuniary penalty or up to five years' imprisonment (sect. 175 of the Penal Code).

72. On 1 February 2007, section 286<sup>1</sup> was added to the Penal Code to criminalize aiding of prostitution. Aiding prostitution involving minors is punishable by three to twelve years' imprisonment.

73. The non-profit organization LICHR has emphasized that child prostitution in Estonia has two forms of outlets. First, it is possible that minors see providing sexual services (temporarily) as an opportunity to earn money. The LICHR is of the opinion that fighting this is impossible based on Estonian legislation and the only solution would be educational means, including activities of school psychologists and social workers, and measures related to the social insurance system.

74. On the other hand, LICHR points out the provision of sexual services by minors with the help of intermediaries, which is prohibited by Estonian legislation. LICHR recognizes the activities of the police in fighting mediation of prostitution but believes that the problem is persistent and particularly relevant among non-Estonians.

75. In several chapters of the special part of the Penal Code, a distinction is made whether acts are committed by an adult or in respect of a minor. For example, harsher punishments are prescribed for offences against sexual self-determination committed against minors. Under the Penal Code (sect. 58), commission of an offence against a minor is always considered an aggravating circumstance.

76. The limitation period for offences is defined as follows under the Penal Code (sect. 81):

“No one shall be convicted of or punished for the commission of a criminal offence if the following terms have expired between the commission of the criminal offence and the entry into force of the corresponding court judgement:

- 10 years in the case of commission of a criminal offence in the first degree
- 5 years in the case of commission of a criminal offence in the second degree”

77. Under the Penal Code (sect. 4), a criminal offence in the first degree is an offence for which this Code prescribes a maximum punishment of imprisonment for a term of more than five years, life imprisonment, or compulsory dissolution. A criminal offence in the second degree is an offence for which this Code prescribes the punishment of imprisonment for a term of up to five years or a pecuniary penalty.

78. The following is a list of other acts related to this topic which are punishable under the Penal Code:

**Enslaving (sect. 133)**

(1) Placing a human being in a situation where they are forced to work or perform other duties against their will for the benefit of another person, or keeping a person in such situation, if such act is performed through violence or deceit or by taking advantage of the helpless situation of the person, is punishable by one to five years' imprisonment;

(2) The same act, if committed:

- Against two or more persons; or

- Against a person of under 18 years of age

is punishable by three to twelve years' imprisonment.

- In the case of legal persons, an act provided for in section 133, paragraph 1, is punishable by a pecuniary penalty, and an act provided for in section 133, paragraph 2, by a pecuniary penalty or compulsory dissolution.
- In the case of this criminal offence, the court applies a confiscation of the proceeds of the crime.
- To assess the helpless condition of a person (inability to resist or understand) mentioned in the relevant section, the age and mental condition of the person are primary considerations. In the case of minors, it should be taken into account that their knowledge of work or sexual behaviour is not necessarily sufficient to understand their rights or the nature of the work offered to them. In addition, minors can be more easily influenced by others, especially if they are dependent on the person through family or economic relations or in any other way (e.g. parents or guardians).
- The liability of legal persons is also an essential element in this section. It is possible, for example, to punish a company which uses forced labour of trafficked persons or a job mediator who assists in trafficking of persons.

**Illegal removal of organs or tissue (sect. 139)**

- The removal of human organs or tissue for transplantation purposes by a person with the corresponding right arising from law, if the person from whom the organs or tissue have been removed has not been notified of the essential potential dangers arising from the removal of organs or tissue before granting consent, or if the person removing the organs or tissue was aware that the person from whom the organs or tissue have been removed will receive remuneration for it, is punishable by a pecuniary penalty or up to one year of imprisonment.

**Inducing a person to donate organs or tissue (sect. 140)**

- Inducing a person to consent to the removal of their organs or tissue for the purposes of transplantation or genetic research by offering material remuneration or causing damage to the person or by threatening to cause damage to the person is punishable by a pecuniary penalty or up to one year of imprisonment.

**Rape (sect. 141)**

- Sexual intercourse with a person against their will by using force or taking advantage of a situation in which the person is not capable of resisting or comprehending the situation is punishable by one to five years' imprisonment. Rape committed against a person under 18 years of age is punishable by 6 to 15 years' imprisonment.

**Satisfaction of sexual desire by violence (sect. 142)**

- Involving a person against their will in satisfaction of sexual desire in a manner other than sexual intercourse by using force or taking advantage of a situation in which the person is not capable of resisting or comprehending the situation is punishable by up to three years' imprisonment. The same act committed against a person under 18 years of age is punishable by up to five years' imprisonment.

**Compelling a person to engage in sexual intercourse (sect. 143)**

- Sexual intercourse with a person against their 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 resisting or comprehending the situation as provided for in section 141 of this Code, is punishable by up to three years' imprisonment. The same act committed against a person under 18 years of age is punishable by up to five years' imprisonment.

**Compelling a person to satisfy sexual desire (sect. 143)<sup>1</sup>**

- Involving a person against their will in satisfaction of sexual desire in a manner other than sexual intercourse 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 resisting or comprehending the situation as provided for in section 142 of this Code, is punishable by up to two years' imprisonment. The same act committed against a person under 18 years of age is punishable by up to five years' imprisonment.

**Sexual intercourse with a descendant (sect. 144)**

- A parent, a person with the rights of a parent, or a grandparent, who engages in sexual intercourse with their child or grandchild is punishable by up to five years' imprisonment.

**Sexual intercourse with a child (sect. 145)**

- An adult who engages in sexual intercourse with a person under 14 years of age is punishable by up to five years' imprisonment.

- The LICHR has expressed concern about the situation where liability for sexual intercourse by an adult with a minor only arises when the minor is younger than 14 years, regardless of the form or nature of the intercourse. The LICHR is of the opinion that such an age limit is too low.

**Satisfaction of sexual desire with a child (sect. 146)**

- An adult who involves a person under 14 years of age in the satisfaction of sexual desire in a manner other than sexual intercourse is punishable by up to five years' imprisonment.

**Inability of a person under 10 years of age to comprehend (sect. 147)**

- Within the meaning of the offences provided for in this Division, a person is considered incapable of comprehending if under 10 years of age.

**Table 3**

**Information about criminal offences registered by the police in 2005-2007**

Section of the Penal Code	2005	2006	2007
Section 133. Enslaving	1	2	2
Section 134. Abduction to a State where personal freedom is restricted	0	0	0
Section 139. Illegal removal of organs or tissue	0	0	0
Section 140. Inducing a person to donate organs or tissue	0	0	1
Section 143. Compelling a person to engage in sexual intercourse	4	1	5
Section 143. <sup>1</sup> Compelling a person to satisfy sexual desire			5
Section 172. Child stealing (sect. 124 of the Criminal Code)	5	3	6
Section 173. Sale or purchase of children (sect. 123 <sup>1</sup> of the Criminal Code)	1	0	0
Section 175. Disposing minors to engage in prostitution	0	1	1
Section 176. Aiding prostitution involving minors	3	2	4
Section 177. Use of minors in the production of pornographic works	26*	13	4
Section 178. Production of works involving child pornography or making child pornography available (sects. 200 and 200 <sup>3</sup> of the Criminal Code)	3	26	22
Mediation of prostitution (sect. 268 of the Penal Code, partly; sects. 201 and 202 <sup>6</sup> of the Criminal Code)	50	33	34
Section 268. <sup>1</sup> Aiding prostitution (since 2007)			24
Total	93	81	108

\* 19 criminal counts were committed by the same offender.

**Table 4****Convictions in 2007 (on the basis of information from the register of court decisions)**

Type of criminal offence	Convictions in 2007**
Section 133. Enslaving	3
Section 143. Compelling a person to engage in sexual intercourse	4
Section 172. Child stealing	3
Section 175. Disposing minors to engage in prostitution	2
Section 176. Aiding prostitution involving minors	13
Section 177. Use of minors in the production of pornographic works	1
Section 178. Production of works involving child pornography or making child pornography available	4
Section 268. <sup>1</sup> Making illegal activity possible, and mediation of prostitution/aiding prostitution*	41 (268)/4 (268) <sup>1</sup>
Total	75

\* Since 16 July 2006, mediation of prostitution is reflected not in section 268 but in section 268<sup>1</sup>. Section 143<sup>1</sup> was also added (“compelling a person to satisfy sexual desire”).

\*\* Table 4 contains the numbers of criminal cases and convicted persons in connection with sections on human trafficking in the Penal Code. Thus, the same criminal case and person may be reflected several times under different sections of the Penal Code in the Table.

79. The Penal Code also provides for liability of legal persons. Under section 14 of the Code, a legal person may be held responsible in certain cases provided by law for an act committed by its body or senior official in the interests of the legal person. Prosecution of a legal person does not preclude prosecution of the natural person who committed the offence. These provisions do not apply to the State, local authorities, or to legal persons in public law.

80. A legal person is liable for a particular offence if the penal norm (its constituent elements) provides for liability of a legal person. Legal persons are legal subjects established on the basis of law. Legal persons may be either private or public.

81. The Penal Code also provides a definition of criminal attempt. Under section 25 of the Code, an attempt is an intentional act the purpose of which is to commit an offence. An attempt is considered to have commenced at the moment when a person, according to that person’s understanding of the act, directly begins committing the offence. If an act is committed by taking advantage of another person, the attempt is considered to have commenced at the moment when the person loses control over events or when the intermediary directly begins committing the offence according to that person’s understanding of the act. In the case of a joint offence, the attempt is considered to have commenced at the moment when at least one of those persons directly begins committing the offence according to an agreement between those persons. In the case of an omission, the attempt is considered to have commenced at the moment when a person fails to perform an act necessary to prevent the consequences that constitute the necessary elements of an offence.

82. In the case of a criminal attempt, the court may mitigate punishment in certain cases envisaged by the Penal Code.

83. Under the Penal Code (sect. 21), a principal offender is a person who commits an offence unaided or by taking advantage of another person. Section 21, paragraph 2, provides that, if at least two persons agree to commit an offence jointly, each of them is held liable as a principal offender (joint principal offenders). An offence is also considered to be a joint offence if an act committed by several persons jointly and by agreement satisfies the necessary elements of an offence.

84. Aiders and abettors are treated as accomplices under the Penal Code (sect. 22). An aider is a person who intentionally provides physical, material, or moral assistance to an intentional unlawful act of another person. An abettor is a person who intentionally induces another person to commit an intentional unlawful act. Unless otherwise provided by the Code, punishment is imposed on an accomplice under the same provision of law which prescribes liability of the principal offender.

85. Estonia ratified the 1993 Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (within the Hague Conference on Private International Law) on 22 February 2002 and the Convention entered into force in respect of Estonia on 1 June 2002. When ratifying the Convention, the Ministry of Social Affairs was appointed as the central authority. In addition, the Ministry of Justice acts as the competent authority under article 23 of the Convention. In Estonia, using the services of private establishments is unnecessary for international adoption, as only a small number of children are adopted from Estonia to foreign countries.

86. Adoption is arranged by the Ministry of Social Affairs, which performs its duties as the central authority and cooperates with county authorities and the central and competent authorities of other countries. Adoption is regulated by chapter 10 of the Estonian Family Law Act, under which the Minister of Social Affairs grants consent for international adoption. Special provisions regulating adoption are contained in the Code of Civil Procedure. Issues of adoption are also regulated by the Social Welfare Act. It is possible to adopt children from Estonia to the United States, Finland and Sweden. Approximately 20 children a year are adopted from Estonia to foreign countries.

### **III. CRIMINAL PROCEDURE**

#### **Jurisdiction**

87. Criminal law jurisdiction is laid down in the Penal Code (sects. 5-7 and 9). Estonian penal law applies to acts committed on the territory of Estonia.

88. A punishment is imposed under the law in force at the time the act is committed. An act which precludes punishability of an act, mitigates punishment, or otherwise alleviates the situation of a person has retroactive effect. An act which declares an act as punishable, aggravates a punishment, or otherwise exacerbates the situation of a person does not have retroactive effect.

89. The penal law of Estonia applies to an act committed outside the territory of Estonia if that act constitutes a criminal offence under the penal law of Estonia and is punishable at the place where the act is committed, or if no penal authority applies at the place where the act is committed and if:

- The act is committed against a citizen of Estonia or a legal person registered in Estonia
- The offender is a citizen of Estonia at the time the act is committed or becomes a citizen of Estonia after committing the act, or if the offender is an alien who has been detained in Estonia and is not extradited

## **Extradition**

90. Under the principles of international cooperation in criminal procedure (sects. 433, 438 and 439 of the Code of Criminal Procedure), the provisions on extradition stipulate:

“Estonia as the requested State is entitled to extradite a person on the basis of a request for extradition if criminal proceedings have been initiated and an arrest warrant has been issued with regard to the person in the requesting State or if the person has been sentenced to imprisonment by a judgement of conviction which has entered into force.”

### **General conditions for extradition of persons to foreign States (sect. 439)**

- (1) Extradition of a person for the purposes of continuation of the criminal proceedings concerning that person in a foreign State is permitted if the person is suspected or accused of a criminal offence punishable by at least one year of imprisonment under both the penal law of the requesting State and the Penal Code of Estonia;
- (2) Extradition of a person for the purposes of executing a judgement of conviction made with regard to that person is permitted under the conditions provided for in subsection (1) of this section if at least four months of the sentence of imprisonment have not yet been served;
- (3) If a person whose extradition is requested has committed several criminal offences and extradition is permitted for some of the criminal offences, extradition may be granted also for the other offences which do not meet the requirements specified in subsections (1) and (2) of this section.

In recent years, Estonia has had no cases of extradition or surrender concerning areas regulated by the Optional Protocol. A request for extradition from another country is needed to carry out extradition. Currently, no information is available about sex tourism, but the Estonian police are aware of these issues and are prepared to deal with problems when the need arises.

## **Seizure and confiscation of goods and proceeds of crime**

### **Confiscation (sects. 83-85 of the Criminal Code)**

91.

- A court may apply confiscation of an object used to commit an intentional offence if it belongs to the offender at the time of the judgement or ruling. As an exception, a court may also confiscate objects or substances if they belong to a third person at the time of the judgement or ruling

- If assets acquired by an offence have been transferred, consumed or their confiscation is impossible or unreasonable for some other reason, the court may order payment of an amount corresponding to the value of the assets subject to confiscation
- Confiscated objects are transferred into State ownership or, in cases provided for by international agreement, are returned

#### **Seizure of property (sect. 142 of the Code of Criminal Procedure)**

- The objective of seizure of property is to secure a civil action, confiscation or fine to the extent of assets. “Seizure of property” means recording the property of a suspect, accused, civil defendant or third party or the property which is the object of money laundering or terrorist financing and preventing transfer of the property.

### **IV. PROTECTING THE INTERESTS OF CHILD VICTIMS**

92. Under the Republic of Estonia Child Protection Act (sect. 31), the general principle of treatment of children is as follows:

- (1) Every child shall at all times be treated as an individual with consideration for his or her character, age, and sex. Humiliating, frightening, or punishing a child in any way which abuses the child, causes bodily harm, or otherwise endangers his or her mental or physical health is prohibited;
- (2) If an adult treats a child in a prohibited manner, the social services departments are competent to intervene in order to resolve the conflict and, if necessary, to apply for punishment of the person at fault under administrative or criminal procedure;
- (3) A child who has suffered violent treatment or mistreatment shall be accorded necessary assistance;
- (4) An adult who treats a child violently shall also receive counselling in order to prevent further mistreatment.

93. The police, in their work with victims who are minors, proceed primarily from the Penal Code, the Code of Criminal Procedure, the Code of Misdemeanour Procedure, and other laws (e.g. the Constitution and the Republic of Estonia Child Protection Act), and from the order of 13 April 2005 of the Director General of the Police “Instructions for the treatment of children who have committed an unlawful act or are in need of assistance”. The home page of the Estonian police at [www.pol.ee](http://www.pol.ee) also contains guidelines on how to deal with children (e.g. interviewing children; mistreated children; psychological aspects of providing testimony by minors), as well as advice to children and parents. The police intend to revise the guidelines and instructions in the near future in order to bring them even more in line with modern working methods.

94. Penal law protection of minors is addressed in the Penal Code. Chapter 11 of the Penal Code addresses offences against the family and minors (sects. 169-174). The constituent

elements of the relevant offences are defined with the aim of protecting the rights and interests of minors. The offences are classified as follows: prostitution offences (sects. 175 and 176); sexual offences (sect. 179); exhibiting violence to minors (sect. 180); and involving minors in legally or ethically impermissible acts (sects. 181 and 182). The police registered 213 offences of these types (i.e. sects. 169 to 182 of the Penal Code) in 2004, and 432 in 2005.

95. In addition to the offences in chapter 11, the Penal Code also provides for stricter sanctions for the commission of a number of offences if the victim is under 18 years old (e.g. sexual offences against minors, offences against liberty, drug offences against minors). The Penal Code also provides that commission of an offence knowingly against a person who is under 18 years of age is considered to be an aggravating circumstance (sect. 58).

96. The interests of victims who are minors are protected in criminal proceedings under the Code of Criminal Procedure and the Code of Misdemeanour Procedure.

97. Under the Code of Criminal Procedure, the prosecutor's office can be notified of a criminal offence either orally or in writing (sect. 195). This can also be done by a minor.

98. A child has the right and opportunity to exercise the right of complaint independently, both as a victim and in cases where his or her procedural rights have been violated. If a minor feels that his or her procedural rights are violated, he or she as a participant in the proceedings may file appeals against procedural actions or orders (sect. 228). The suspect or accused, his or her counsel, the victim, and the civil defendant are the participants in a proceeding (sect. 16).

99. A child has the right to address any specialist (at school this would include the school administration, teachers, or support staff), e.g. the police, local government child protection specialists or social workers, who exercises the relevant functions. It is always possible to have recourse to the Chancellor of Justice, county authority, or ministries. All persons or agencies whom a child has addressed must take the child's complaint seriously and process it in accordance with their official duties.

100. All territorial police establishments have special interviewing rooms for child victims. Police prefectures have the necessary specialists to deal with child-related issues. In the Northern Police Prefecture, which is the largest and covers the capital area, the relevant specialists operate under the child protection service.

101. Each police department has specially trained police officers to deal with juvenile offenders and child victims in their service areas. When the police receive information about a minor or if a participant in proceedings is a minor, but for some reason another police officer is in charge of the proceedings, the officer or unit dealing with minors is notified about it.

102. All prosecutors' offices also have prosecutors who are specialized to work with minors.

103. Under the Code of Criminal Procedure (sect. 161, para. 1), if a text in a foreign language needs to be translated or interpreted or if a participant in criminal proceedings is not proficient in Estonian, a translator or interpreter is involved in the proceedings.

### **Minors as witnesses**

104. The Code of Criminal Procedure provides specifications concerning the hearing of witnesses who are minors. A witness under 14 years of age must be heard in the presence of a child protection official, social worker, or psychologist. The body conducting the proceedings may involve a child protection official, social worker, or psychologist in the hearing of a minor over 14 years of age. The presence of the relevant specialist should guarantee that the child can express his or her views, needs, and other important considerations. No cross-examination is used to interview a witness under 14 years of age.

105. Under the Code of Criminal Procedure (sect. 68), the following procedure applies to hearing witnesses:

- (1) The rights and obligations of witnesses and the right to set down testimony in handwriting are explained to a witness;
- (2) A witness of at least 14 years of age is warned against refusal to testify without legal basis and giving knowingly false testimony, and the witness must sign the minutes of the hearing to that effect. If necessary, it is explained to the witness that intentional silence on facts known to them is considered a refusal to testify;
- (3) While testifying, a witness may use notes and other documents concerning numerical data, names, and other information which is difficult to memorize;
- (4) A witness may be heard only as regards facts relating to a subject of proof. Leading questions are prohibited;
- (5) The testimony of a witness concerning facts relating to a subject of proof of which the witness has become aware through another person (“hearsay evidence”) is evidence only if the direct source of the evidence cannot be heard;
- (6) Questions concerning the moral character and habits of a suspect, accused, or victim may be put to a witness only if the act which is the object of the criminal proceedings must be assessed in inseparable connection with the previous conduct of the suspect, accused, or victim.

### **Minors as suspects**

106. The Code of Criminal Procedure provides for mandatory participation of defence counsel throughout the proceedings if a person committed an offence as a minor.

107. Under the Penal Code (sect. 87, para. 1), taking into account the level of moral and mental development of a person of 14 to 18 years of age and their ability to understand the unlawfulness of their act or to act according to such understanding, the court may release a person from punishment and impose the following sanctions:

- (1) Warning;
- (2) Subjection to supervision of conduct under section 75 of the Penal Code;

- (3) Placement in a youth home;
- (4) Placement in a school for pupils who need special treatment due to behavioural problems.

108. Under section 30 of the Code of Criminal Procedure, a prosecutor directs pretrial proceedings and ensures their legality and efficiency.

### **Protecting the interests of victims who are minors**

109. The interests of minors who are victims are protected in proceedings under the Code of Criminal Procedure and the Code of Misdemeanour Procedure. For example, a court may declare that a hearing or a part of it be held in closed session if the interests of a minor require it. Additionally, information about extrajudicial proceedings may not be disclosed prior to judgement if this may damage the interests of the minor.

110. The Code of Misdemeanour Procedure (sect. 62) regulates disclosure of information concerning extrajudicial proceedings. Information concerning pretrial proceedings may be disclosed before a decision in the interests of the misdemeanour proceedings, the public, or a data subject only if this does not cause disproportionate damage to the misdemeanour proceedings, interests of the State, or business secrets or, in particular, in the case of disclosure of sensitive personal data, to the rights of data subjects or third persons.

111. Under the Code of Criminal Procedure, the principle of public access applies to pronouncement of court decisions without restriction unless the interests of a minor, spouse, or victim require pronouncement of a court decision in a court session held in closed session.

112. The following legal measures exist to ensure the safety of children, their families, witnesses, and child protection workers:

- Use of violence against a suspect, the accused, a defendant, an acquitted person, a convicted offender, a witness, expert, translator, interpreter or victim in order to prevent them from performing their duties or exercising their rights in criminal procedure, or to take revenge for their lawful activities in criminal procedure, is punishable by a pecuniary penalty or up to five years' imprisonment (sect. 323 of the Penal Code);
- Coercion into delivering false testimony, a false expert opinion or a false translation or interpretation, if committed by using violence, is punishable by a pecuniary penalty or up to four years' imprisonment (sect. 322 of the Penal Code);
- Preventing a participant in a proceeding, a witness, expert, translator or interpreter from appearing at pretrial proceedings or court proceedings is punishable by a pecuniary penalty or up to one year of imprisonment (sect. 317 of the Penal Code);
- All victims are treated equally. Compensation is payable for serious damage to health, for a health disorder lasting at least six months, or in case of a victim's death. In addition to compensation of expenses for restoration of health (i.e. treatment expenses), expenses for restoration of mental health, such as psychological counselling and psychotherapy, are also compensated (sects. 7-8 and 12 of the Victim Support Act).

### **Victim support system**

113. The national victim support system was launched on 1 January 2005 on the basis of the Victim Support Act. Thirty-five regional victim support workers in 16 victim support centres throughout Estonia were hired (most victim support centres are housed in police premises). Victim support workers are officials of the Ministry of Social Affairs who provide victim support services as provided for by law. On 26 October 2004, the Social Insurance Board and the Police Board entered into a cooperation agreement to ensure regional accessibility of victim support services for the target group, i.e. primarily for victims of domestic violence and violence against children. In the case of minors who have become victims of criminal offences, the police cooperate with victim support workers, forwarding information about victims to support workers in order to enable minors to access the necessary support.

114. Under the Victim Support Act, all persons who fall victim to negligence, mistreatment, or physical, mental, or sexual abuse have the right to victim support. Thus, every person subjected to suffering or damage can have access to victim support.

115. Cases of violence against children notified to the victim support centre:

In 2005 - 278 cases

In 2006 - 283 cases

In 2007 - 240 cases

116. Currently, no information is available about the exact reasons behind each case. However, plans exist to start collecting and registering information about types of cases in the future.

117. Previously, compensation was only paid to victims of intentional crimes. Now, the range of subjects entitled to compensation has been expanded so that victims of violent crime committed due to negligence also have the right to compensation. The severity of a crime (e.g. whether damage to health is serious or not) is established through forensic medical assessment. After a forensic medical assessment report is drawn up, the person should contact the Pension Board office at their place of residence.

118. Under the Victim Support Act, victims of violence are entitled to psychological counselling. Under the same Act, victim support volunteers act as support persons. Legal counselling is regulated by the State Legal Aid Act, aimed at ensuring timely and sufficient access to competent and reliable legal counselling to all persons.

119. Counselling of persons who have fallen victim to sexual abuse is regulated by the Victim Support Act and takes place, for example, at hospitals or shelters. Under this Act, victims themselves, as well as their family members, are entitled to apply for compensation of expenses of psychological counselling (up to the amount of one minimum monthly wage). However, if an act had consequences listed in section 8 of the Act (i.e. death, serious damage to health, or a health disorder lasting for at least six months), the victim of crime, or in case of death, the victim's dependants, are entitled to receive State benefit and they may apply for compensation of costs of treatment or funeral expenses.

120. Two competence centres for sexually abused children have long been in place: the Tallinn Child Support Centre and the Tartu Child Support Centre. Similar centres have since been established in other larger regional centres, such as Pärnu and Ida-Viru Counties. These centres provide counselling to abused children both on an individual basis as well as in the form of group work. The aim of the provision of services is treatment and rehabilitation of victims and their families, and prevention of future mistreatment.

121. The Tartu Child Support Centre, in addition to daily counselling, has also organized training for psychologists from all counties for work with sexually exploited or trafficked children. The aim of the training is to provide knowledge and skills for work with family members of abused children and with specialists dealing with the child, and to introduce Estonian legislation and international conventions on sexual exploitation and trafficking. The Tartu Child Support Centre also coordinates the Expert Group for Cooperation on Children at Risk under the Secretariat of the Council of the Baltic Sea States. In the framework of different projects (e.g. ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)), training events for raising the professional competence of specialists dealing with issues of trafficking of children are planned for 2007 and 2008.

122. In Tallinn, the Tallinn Family Centre ([www.pk.ee](http://www.pk.ee)) offers counselling to children and families with children and also provides supporting social services to them (e.g. support person service, children's day-centre service, mentoring programmes). The Centre deals with abused children and children who have been victims of violence. The Tallinn Family Centre also operates a trust line for children and an Internet-based psychological counselling system at [www.lapsemure.ee](http://www.lapsemure.ee), which children can contact with their problems between 10 a.m. and 4 p.m. on workdays.

123. In 2006, the Tallinn Family Centre assisted 1,180 people in seven months, including the following types of case:

- 60 families were referred to the family service
- 860 persons contacted the counselling service
- 50 children were referred to the day centre
- 40 children received a support person service
- 1,111 new registrations for the child trust line, 2,600 regular clients

124. The AIDS support centre works daily with girls trafficked for sexual purposes and with child victims of prostitution. All consultations are confidential and free of charge.

125. The requirement of confidentiality applies in working with children who have been victims of violence and abuse. Personal data are disclosed to individuals and establishments only in case of justified need and in accordance with the law. Close cooperation exists with the police.

## V. PREVENTING THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

126. An important aspect in the Strategy for Guaranteeing the Rights of the Child (see paragraphs 16-21 of the report) and its action plans is prevention. Prevention is also important in respect of abuse, including the sale of children, child prostitution and child pornography. Various preventive activities relevant for the aims of the Optional Protocol were carried out on the basis of the action plan in 2004-2006. The financing of activities is guaranteed by the ministries in their respective fields. Additionally, activities have been planned to be financed from the European Structural Fund and from gaming tax revenue (activities of non-profit organizations).

127. In 2004-2006, the following activities relating to the aims of the Optional Protocol were carried out on the basis of the Strategy's action plans:

- In cooperation with local authorities and non-profit associations, preventive projects for children at risk were implemented in the framework of police crime prevention activities.
- Cooperation networks for preventing and reducing physical and sexual abuse of children were developed in police prefectures and district prosecutors' offices by forming joint working groups.
- The State rehabilitation service for children with behavioural problems and sexually abused children was expanded in 2005, so that it is now available in four centres throughout Estonia.
- In-service training was organized for teachers, doctors, welfare workers, and police officers on issues of recognizing abused children.
- One psychologist to work with sexually abused, trafficked, or unaccompanied children was trained in each county in 2005 (Estonia has 15 counties - 15 psychologists participated).
- Training sessions for medical workers for recognizing sexually abused children were organized in November 2006 (approximately 30 medical workers in Tallinn and 30 in Tartu participated).
- The Ministry of Social Affairs and the Tallinn Child Support Centre organized a conference "Children and sexual abuse" on 30 November 2006. The conference explored the problem of sexual abuse of children, possibilities for assisting children, possibilities for treating paedophiles, issues of criminal procedure, etc. A representative from Iceland explained the *Barnahus* (Children's House) system initiated in Iceland which has now spread to Sweden, Denmark, and other countries. The system is meant for work with child victims of sexual abuse (approximately 100 participants).

128. An information and helpline (phone number 1345), financed by the Ministry of Social Affairs and the Tallinn City Government, was launched in Tallinn in 2005. People can use the number to notify the authorities about children in need or to receive information. In 2006, the telephone service was extended to Maardu town in Harju County.

129. The children's information and helpline enables citizens (remaining anonymous if necessary) to notify the authorities about children in need or to ask for information about how to act in problem situations. The information line also enables all citizens to inform relevant specialists about possible cases of trafficking, sexual exploitation, or mistreatment of children, thus allowing for rapid assistance to children.

130. An extension of the children's helpline to cover the whole of Estonia also allows a better implementation of section 59 of the Child Protection Act, under which every person is duty-bound to notify social services, the police, or other authorities about children in need immediately if they find out about the existence of a child who needs protection and assistance.

**Table 5**

**The types of case and the number of times the information and helpline "1345" was contacted in 2006**

Reason for contact	Number of callers
Neglect	43
Violence	39
Character problems	53
Problems of addiction	13
Disturbed psychology	33
Information: education/free time	324
Information: services/benefits	454
Other problems	190
Total	1 149

131. The Ministry of Social Affairs is planning to launch a separate helpline for children, which would be a nationwide service covering the whole of Estonia.

132. To do this, on 1 April 2008 the Ministry of Social Affairs announced a tender for the provision of social counselling services to children through the children's helpline "116 111". The helpline will provide counselling and information to children in distress and, if necessary, also basic advice on issues of daily life. The Ministry of Social Affairs expects to launch the nationwide children's help service in 2008.

**Projects and activities for preventing the sale of children, child prostitution and child pornography**

133. The police implement crime prevention projects which also deal with children who have become victims of crime. For example, a project called *Ole normaalne* ("Be normal") was launched in schools in Tallinn in 2000. Since 2004 it has spread to other schools all over Estonia. One of the topics the project covers is discussing how to avoid becoming a victim of crime. In 2005, the Eastern Police Prefecture began a project called *Õnnelik kaisukas* ("A happy hug"), directly aimed at assisting child victims. The project involves various specialists and carefully analyses cases that have occurred. Children are also offered individual counselling and group work, excursions, etc. The police have drawn up an information sheet on domestic violence to enable better detection of victims of domestic violence and provide them with assistance.

134. A systematic cooperation network for preventing physical and sexual abuse of children has been developed both in the eastern and western regions. Work is also under way to develop a well-functioning case-management system. Several round-table discussions with cooperation partners have been held to improve cooperation between institutions dealing with minors. The Viru District Prosecutor's Office and the Eastern Police Prefecture had a joint comprehensive action plan for 2005-2006 to combat crime committed by and against minors. Since February 2006, children have had an opportunity to explain their problems by e-mail and to enter into dialogue with a juvenile police officer.

135. In 2006, the Western Police Prefecture, in cooperation with the Police Board and the Estonian Open Society Institute, published a handbook on violence "Police instructions for solving cases of violence in close relationships", containing guidelines for recognizing abused children, children's behaviour, and communicating with children.

136. The Crime Prevention Foundation produced an educational film "Scamping and Outcomes 4" in 2006. The film talks about forms of paedophilia and comes with a handbook for specialists. The Foundation organized a conference "Sexual crimes against children" to present the film on 21 September 2006.

137. The Ministry of Social Affairs has organized awareness-raising events to prevent human trafficking, including trafficking in children, since 2002. Training seminars have been organized for upper secondary school teachers, school psychologists, youth workers, hobby school teachers, and employment counsellors. An essay competition for young people was organized, and lectures on reasons and consequences of human trafficking have been held all over Estonia.

138. The Union for Child Welfare has begun collecting case descriptions of sexual abuse of children. The aim is to analyse cases to prepare materials for the public on sexual abuse of children and its consequences, and to provide practical recommendations for assisting child victims.

139. The Union for Child Welfare has also organized training seminars and information days on the rights of the child for relevant specialists, parents and children. Among other issues, the topics covered also included the right of the child to protection against all kinds of exploitation and mistreatment.

140. The Union for Child Welfare has a website, [www.peremeedia.ee](http://www.peremeedia.ee), which aims to develop the media competency of children of a younger school age and their parents. A range of topics deals with safe behaviour in the Internet environment and provides information to both children and parents about the risks of the Internet and how to avoid them. The website is interactive and with a playful design in order to inspire users to explore the topics more thoroughly.

141. The Ministry of Justice informs the public about possibilities of crime prevention and intervention through a special crime prevention website ([www.kuriteoennetus.ee](http://www.kuriteoennetus.ee)).

142. In 2006, Microsoft Estonia, the Tallinn Family Centre, the Union for Child Welfare, and the children's web page [www.lastekas.ee](http://www.lastekas.ee) organized an awareness-raising campaign *Veebivend* ("Web brother") on Internet safety. The child protection service of the Northern Police Prefecture participated in the project as a cooperation partner. The campaign was intended

mainly for children aged 6-10 and their parents. The project was meant to explain the dangers involved in using Internet chat rooms, direct communication channels and other web-based communication environments. The campaign was carried out in November and December 2006. During the campaign, family and youth centres, counselling offices, schools, and the Internet environment were used to make recommendations about safe communication on the Internet to children aged 6-10 and their parents. The campaign continued in 2007 when children, parents, and teachers were provided with Internet-based study materials to offer more information about safety in the Internet environment.

143. Police prefectures are now competent to deal with cases of child pornography on the Internet. They address the issue on a case-by-case basis. The police plan to create a more permanent monitoring system in the coming years to detect websites containing child pornography and prevent mistreatment of children on the Internet. The Central Criminal Police also include a service dealing with Internet crime and providing competent assistance to regional police prefectures.

144. Under the Ministry of Culture, a committee exists for assessing media products containing pornography or violence. On request, the committee also provides expert assessment of the content of websites and other materials.

145. The non-profit association Living for Tomorrow has organized training seminars on sexual education for young people aged 15-18. The training seminars are arranged by topics: sexual relations; family planning; safe sex; drug use; prostitution; and HIV/AIDS. The training is intended both for Estonian- and Russian-speaking young people and is based exclusively on interactive methods obtained from the World Health Organization (WHO) and the Joint United Nations Programme on HIV/AIDS (UNAIDS), materials and other youth peer education publications and training events. The programme was financed by the United Nations Population Fund (UNFPA) in 2000, Family Health International in 2001-2003, and UNFPA in 2003-2005.

146. On 1 October 2005, with support from UNFPA, a programme "Youth Peer Education Network" was launched. Its main objectives are to raise the awareness of young people about ways of HIV transmission and to motivate them to behave more safely.

147. In the framework of the project "Prevention of Trafficking in Human Beings among Minors", organized by the non-profit association Living for Tomorrow, an extensive survey among young people of 14-24 years old was carried out, discussions with pupils were held, and in northern, eastern, and southern Estonia consultations for those planning to travel abroad were also organized.

148. In 2005, the non-profit association Living for Tomorrow started a new prevention project "Education and Prevention of Trafficking in Human Beings in Estonia" with support from the European Union PHARE programme CBC 2002. The aim of the project was to carry out a preventive and educational campaign against human trafficking in all major cities in Estonia. Project activities included organizing discussions for pupils, training for border guards, career counsellors, social workers, and local authorities, as well as other types of training. An equally important objective was raising public awareness of issues of trafficking in human beings and human rights.

149. Living for Tomorrow has also published information materials on prevention of human trafficking and sexual health and safety, including “How to bridge the gap between us?” (with support from the Nordic Institute for Women’s Studies and Gender Research), “Inside Out” (with support from the World Childhood Foundation), “Touch me” (with support from the British Embassy to Estonia), and “If you decide to go and work abroad, we advise you do it safely” (with support from the International Organization for Adolescents).

150. Living for Tomorrow has opened a counselling hotline for preventing human trafficking in Estonia. In 2004-2005, the project was financed by the United States Embassy to Estonia and the Finnish Embassy to Estonia, in 2005-2006 also the British Embassy to Estonia and the Dutch Embassy to Estonia. In 2007-2009, the counselling hotline is financed by the Ministry of Justice (180,000 kroons per year).

151. Involvement and participation of children in implementing the objectives of the Optional Protocol is an important task for the State and various organizations. The non-profit association Living for Tomorrow involves young people and children of various age groups actively in sexual education. Young people are engaged in preventive activities through organizing volunteer work for them. Volunteer work done by young people includes supporting and counselling their peers on issues of sexual education. Some young people have also been trained to assist in operating the counselling hotline services.

152. To involve children in deciding issues concerning them and to better ensure the rights of children, a youth assembly has been established under the Union for Child Welfare, consisting of young people aged 15-18. Young people attend conferences and seminars to express their opinions. They are also involved in preparing projects and programmes for protecting the rights of the child.

153. In autumn 2007, the Ministry of Social Affairs, in cooperation with the Pelgulinna Child Protection Centre, organized a seminar on inclusion of children, dealing with three topics: children and divorce; the participation of children in society; and physical punishment of children. Twenty-six young people attended the seminar, including boys and girls, Estonian and Russian speakers, young people living in children’s homes, and pupils from vocational institutions and upper secondary schools. The seminar sought to find out children’s opinions and proposals on how to better ensure their rights. A youth action group grew out of the project which aims to involve the least privileged young people in activities through joint seminars and summer schools in the framework of the “European Youth” programme in 2008.

154. The Ministry of Social Affairs and the University of Tartu carried out a survey “Violence and mistreatment - children’s perspective” to discover how children see and experience violence.

155. Quantitative data for the survey were obtained from the International Self-Report Delinquency Study (ISR-2). A total of 1,812 individuals participated in the survey; 89 classes from 71 schools, among them 59 from Estonian schools and 12 from schools where the language of instruction is Russian. The survey provided mostly information about school bullying and school violence which pupils considered to be the most common type of violence.

**Table 6****Victim experiences of school bullying in the last 12 months, by gender and school year of respondents (in number and percentage)<sup>4</sup>**

		Year 7			Year 8			Year 9		
		Boys	Girls	Both	Boys	Girls	Both	Boys	Girls	Both
As a victim	No.	100	81	181	44	49	93	55	43	98
	%	33.1	29.3	31.3	20	18.8	19.3	19.9	16	18
Not as a victim	No.	202	195	397	176	212	388	221	225	446
	%	66.9	70.7	68.7	80	81.2	80.7	80.1	84	82

156. By comparison between young people from Estonian- and Russian-speaking schools, it was found that Estonian pupils had experienced more school bullying than Russian pupils. Additionally, it was found that Estonian boys had been victims of bullying more frequently than Estonian girls, while there was no such difference among Russian boys and girls.

157. The Ministry of Education and Research has started to coordinate prevention of school bullying and school violence through the Safe School programme, also involving non-profit associations and other organizations.

158. Since 2001, the Union for Child Welfare has organized projects and programmes for training teachers and specialists at schools and for involving parents in preventing violence.

159. The Union for Child Welfare also leads a working group under the national School Peace programme. Within the programme, school peace is declared at the start of each school year and cooperation occurs with schools to improve safety at schools. Non-profit associations and counselling centres offer psychological counselling for victims of school bullying and engage classes where bullying is a problem in group work. Schools increasingly hire psychologists, social workers, and social pedagogy specialists who provide support services to children, including in cases of problems of violence, and organize preventive activities within schools.

160. The non-profit association Estonian Institute of Human Rights carried out a project “Political school for youth” in Ida-Viru County in 2006-2007. The project was aimed at pupils in upper secondary schools and vocational educational establishments. They were given information about human rights and an overview of the possibilities to study and work safely abroad.

161. The LICHR notes that, although Estonia has various projects on the rights of children, it is a problem that most of them are only in Estonian. The LICHR has criticized the fact that, in social advertising, including advertising on the rights of children, the Russian language has not been widely used in recent years. The LICHR has also pointed out that websites of a number of organizations dealing with children do not contain information in Russian.

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<sup>4</sup> *Vägivald ja väärkohtlemine - laste perspektiiv* (“Violence and mistreatment - children’s perspective”, Šahverdov, Selg, Soo and Strömpl, 2006).

162. The LICHR has carried out various projects in the field of protecting the rights of children. On 22-23 February 2002, a seminar “The principle of non-discrimination in Estonia: rights of women and children and performance of international obligations” was held in Sillamäe. The aim of the seminar was to raise awareness of people in north-eastern Estonia. On 20 January 2003, a seminar “Combating trafficking in human beings in Estonia: women and children” was held in Tallinn. Public servants and representatives of non-profit associations attended the seminar and this helped to lay a basis for cooperation in the fight against human trafficking. In 2004, the LICHR published a brochure in Estonian and Russian on the prevention of human trafficking and working abroad.

## **VI. INTERNATIONAL ASSISTANCE AND COOPERATION**

163. The Ministry of Justice participates in the European Crime Prevention Network (EUCPN), including the creation of a website on sexual violence. The website also contains issues on mistreatment of minors and enables information exchange on these topics.

164. To develop cooperation with other countries, the Central Criminal Police have entered into cooperation agreements on general criminal procedure, including issues involving trafficking in children. For example, the agreement on mutual assistance in criminal matters between Estonia and Finland includes the topic of trafficking in children. The Estonian police have not yet received requests from other countries for confiscation of assets.

165. As a member of the Council of the Baltic Sea States, Estonia participates in its Task Force against Trafficking in Human Beings. One of the priorities of the Task Force is preventing and combating trafficking in children.

166. Estonia is also a member of the Council of the Baltic Sea States Expert Group for Cooperation on Children at Risk. In 2007-2008, Estonia held the presidency of the Expert Group.

167. The Expert Group mainly operates in the following fields:

- Sexual exploitation
- Street children
- Neglected children
- Unaccompanied and trafficked children
- Children in institutional care

168. The Expert Group draws up an annual action plan on which activities are based and cooperation projects are planned. Each member State appoints a competence centre which participates in the cooperation network with its multidisciplinary team which has expert knowledge on rehabilitation of sexually abused children, reintegration of street children into society, and rehabilitation and counselling of victims of mistreatment. The Tartu Child Support Centre, as an ECPAT member, participates in the network as the Estonian competence centre. Jointly, all these centres form a regional network of child specialists.

169. The Expert Group has also appointed contact persons in each State. These are persons in agencies who exchange information about cases involving unaccompanied and trafficked children and try to find the best solutions for assisting children. Estonia appointed its national contact person on child trafficking in 2004. The responsible person works in the welfare department of the Ministry of Social Affairs.

170. The Expert Group actively develops cooperation with Russia, Ukraine and Belarus in the fields of guaranteeing the rights of children, welfare of children in institutional care, prevention of sexual abuse of children, and Internet safety.

171. In 2006-2007, Estonia participated in a cooperation project "Prevention of trafficking in children and assisting trafficked children", carried out with support from the European Union Daphne II programme and organized by the Expert Group. Participating in the programme were psychologists, doctors and social workers from seven Baltic Sea countries: Estonia, Latvia, Lithuania, Poland, Russia, Sweden, Denmark, Belarus, Moldova and Ukraine. Five specialists working with children attended the course from Estonia. Svante Weyler also carried out a mapping project in the framework of the programme in 2008 in order to obtain an overview of the situation of child trafficking in the Baltic Sea region. The project summary was published in January 2008.

172. In 2008, the Council of the Baltic Sea States Expert Group for Cooperation on Children at Risk intends to hold a seminar in Russia on the topic "Exploitation of children on and through the Internet - possible cooperation between law enforcement agencies and professionals working with children".

173. Estonia has participated in various international projects:

- Project "Support, protection, safe return to home, and rehabilitation of women trafficked for sexual purposes", with support from the Nordic countries (60,000 euros for developing shelters and training). In addition to trafficking in women, the project also dealt with the topic of young girls.
- Project "Drugs, prostitution, human trafficking from the gender perspective", in 2004-2005, with support from the Nordic Council of Ministers (550,000 Danish krone).
- EQUAL project "Integration of women involved in prostitution, including victims of human trafficking, into the legal labour market", 2005-2008, with support from the European Social Fund and the Estonian Government (9 million Estonian kroons). Cooperating countries were Lithuania, Germany, Italy, Portugal and Poland.

174. The European Union financial programmes constitute an important instrument in combating human trafficking and sexual abuse of children. For example, the framework programme AGIS launched in 2003 serves as an umbrella for various other specific programmes (such as the STOP programme 1996-2000, under which Estonia was able to study child prostitution) and aims at developing police and judicial cooperation in criminal matters.

175. In 2005-2006, an Estonian-Finnish cooperation project “No to violence! Effective tools for teachers and specialists working with children in Estonia and Finland” was carried out with support from the European Union Daphne II programme and the Finnish Ministry of Social Affairs and Health (the project budget was 122,000 euros). The project was implemented by the Helsinki Youth Centre, which is a national organization supporting youth work by congregations, in the framework of the Finnish Lutheran Church campaign “From violence to getting along”. Estonian partners in the project were the Child and Youth Work Association of the Estonian Evangelical Lutheran Church, the non-profit association *Perekoolitusühing Sina ja Mina*, and the Tallinn Children’s Shelter.

176. Various training events were organized in the framework of the project for specialists working with children and young people. In Estonia, 30 youth work specialists were trained at a course “POIKKI! Young people and domestic violence” in order to teach them to assist young people who have experienced domestic violence. Additionally, a course, “Teachers’ school”, was organized for teachers with the aim of improving their communication skills and ability to prevent domestic violence.

177. Estonia’s largest child protection organization, the Union for Child Welfare, cooperates closely with the Finnish Mannerheim League for Child Welfare and the Swedish association of Save the Children. Cooperation relations also exist with Latvian and Lithuanian child protection organizations, with which joint seminars and conferences have been organized under international projects. The Union for Child Welfare is also a member of the European child protection organization Eurochild and a member of the International Forum for Child Welfare (IFCW).

178. The Union for Child Welfare is a partner in a cooperation programme of Leonardo Da Vinci and the International Federation of Educative Communities (FICE), aimed at training managers involved in child welfare in Central and Eastern Europe and to exchange knowledge. Cooperation has also been developed with the PLAN organization which operates in Finland and supports development cooperation and promotes the protection of children’s rights from the viewpoint of different cultures. The Tartu Child Support Centre is a member of the international organization ECPAT.

### **Law enforcement**

179. Estonia is bound by the following international treaties relating to the sale of children, child prostitution and child pornography:

- The Convention on the Rights of the Child; entered into force in respect of Estonia on 20 November 1991
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; ratified on 3 August 2004
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and its Optional Protocols Nos. 1 and 2; the first and second Optional Protocols were ratified on 6 November 1996 and entered into force on 1 March 2002

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; entered into force in respect of Estonia on 20 November 1991
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; entered into force in respect of Estonia on 18 December 2006
- The Convention for the Protection of Human Rights and Fundamental Freedoms and its additional Protocols; entered into force on 16 April 1996
- The United Nations Convention against Transnational Organized Crime, adopted on 4 December 2002; ratified on 10 February 2003
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; signed on 20 September 2002, ratified on 12 May 2004
- The Convention on the Elimination of All Forms of Discrimination against Women; entered into force on 20 November 1991
- The International Convention for the Suppression of the Traffic in Women and Children; entered into force in respect of Estonia on 28 February 1930
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999); ratified on 24 September 2001

180. In addition, Estonia also observes the following international instruments:

- The Council Framework Decision 2002/629/JHA of 19 July 2002 on Combating Trafficking in Human Beings
- The Council Framework Decision 2004/68/JHA of 22 December 2003 on Combating the Sexual Exploitation of Children and Child Pornography
- The OSCE Action Plan to Combat Trafficking in Human Beings (2003)
- The Statement and Recommendations concerning Trafficking in Women in the Nordic and Baltic Countries, adopted at an informal meeting of Foreign Ministers of Nordic and Baltic countries on 9 April 2003 in Stockholm, Sweden
- NATO Resolution 323 on Trafficking in Human Beings (2003)
- The Council of Europe Convention on Cybercrime; ratified on 12 May 2003, entered into force in respect of Estonia on 1 July 2004

181. In 2008, in addition to signing the Council of Europe Convention on Action against Trafficking in Human Beings, Estonia is preparing to ratify the United Nations Convention on the Rights of Persons with Disabilities.

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