

Sexual Exploitation of Children in Estonia
Submission
for the Universal Periodic Review of the Human Rights situation in Estonia

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and
ECPAT International

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Estonian Sexual Health Association (ESHA)

Executive Director: Jonas Grauberg

National consultant for this evaluation: Simone Eelmaa

Address: Mardi 3, Tallinn 10145, Estonia

Phone: +372 56 654 313

Email: estl@estl.ee

Website: www.estl.ee www.amor.ee

Estonian Sexual Health Association (ESHA) is the leading national NGO for monitoring, promotion, education, capacity building, and policy development of sexual and reproductive health and rights in Estonia since 1994. The organization concentrates on youth sexual health and education, sexual rights, STIs and HIV/AIDS, gender equality, sexual identity, sexual violence, dating violence, and commercial sexual exploitation. ESHA delivers training to various stakeholders, offers free services to young adults up until 26 years of age (including), provides counselling online and over the phone, and delivers Youth Friendly counselling/health services in their Sexual Health Clinic. ESHA has expertise in advancing sexual health education in other European and Central-Asian countries as well.



ECPAT International

Special consultative status

Executive Director: Mr. Robbert van den Berg

Address: 328/1 Phayathai Road, Ratchathewi, Bangkok 10400, Thailand

Phone: +66 2 215 3388

Email: info@ecpat.org

Website: www.ecpat.org

ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 30 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 121 network members operating in 103 countries

Justification for submission

1. The purpose of the present submission is two-fold: (1) to serve as an update on the progress that has been made by the Government of Estonia (GoE) to end the sexual exploitation of children (SEC) in the country, and (2) to assess the level of implementation of the UPR recommendations relating to SEC made in 2016.
2. During Estonia's previous UPR in 2016, the report of the Working Group contained 20 recommendations related to children's rights,¹ of which 2 are directly related to SEC.² Both of these recommendations encouraged Estonia to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC).³

Methodology and Scope

3. The content of this report is based on country work experience of the Estonian Sexual Health Association and desk research by ECPAT International.
4. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution,⁴ online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),⁵ child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism (SECTT)⁶ and child, early and forced marriage (CEFM).

Current status and developments of sexual exploitation of children in Estonia

General overview of country conditions

5. Overall, there appears to be a lack of in-depth research into the sexual exploitation of children in Estonia. However, a 2020 study into the attitudes and experiences of sexual abuse of young people and children (N=558), funded by the Ministry of Justice, indicated that during their lifetime 45% of young people aged 16-26 had been victims of some form of sexual abuse and 28% of sexual violence.⁷ The study also highlighted that 32% of the surveyed young people between 16-19 had experienced some form of sexual abuse.⁸ Not all children reported their age during the (first) incident of sexual abuse, yet of those who did (N=182), 67% were minors, with 15.7 being the average age of the first or most unpleasant case of sexual abuse.⁹ Sadly, nearly half of the victims did not disclose abuse to anyone.¹⁰ According to government crime statistics, over 200 recorded contact sexual offences against minors in each year between 2015 and 2018.¹¹ There has been a gradual increase in reporting of sexual crimes since 2016 with an 18% increase in reporting contact sex crimes against children last year,¹² making 2019 the highest number of registered sex crimes in ten years. Furthermore, last year 85% of victims of sex crimes were minors. These statistics highlight a worrying trend and emphasise the importance of further research into the problem and added protection for children.

Exploitation of children in prostitution

6. There is a lack of research and publicly available information on the exploitation of children in prostitution in Estonia. The offence of influencing a child to prostitute was reported 67 times in 2017, 28 times in 2018, and 32 times in 2019.¹³ In 2017, 35 cases of buying sex from a minor were reported.¹⁴ The negotiations for buying sex from minors were carried out online commonly *via* Facebook and Flirtic, and many meetings took place in hotels.¹⁵

Online child sexual exploitation

7. As of 2018, there were around 145.4 mobile cellular subscriptions per 100 inhabitants¹⁶ and 89.3% of people using the Internet within Estonia¹⁷
8. A recent study evidenced an apparent increase in online sexual abuse, with 45% of participants reported being sexually abused online during the past year compared to data collected five years prior, which revealed 20% having such experiences.¹⁸ Further, 20% of respondents had been asked about intimate sexual experiences and 25% had been asked to send sexual pictures over the Internet against their will.¹⁹ Finally, 20% of the surveyed young people had received unsolicited requests to meet in real life for sexual purposes.²⁰ Whilst this study does not focus solely on children, it serves to highlight a worrying trend of young people being vulnerable to OCSE within Estonia.
9. The 2018 national crime statistics report provides that in 60% of human trafficking cases, the victim is contacted via social media, and 28% of registered sex crimes are perpetrated online.²¹
10. Some examples of OCSE crimes in Estonia include sexual extortion (blackmailing children into producing CSEM), offering them money, alcohol, or food in return for producing CSEM, grooming children to engage in 'online sex,' live-streaming sexual exploitation, or even meeting in person.²² Another common scheme is telling children, mostly girls, they may get an acting or a modelling job, soliciting them to produce CSEM, or meet with the so-called 'agent' and allow them to take photos or videos.²³ A common approach to groom boys is focusing on victim's interests (e.g., gaming, programming, sports); social media and gaming platforms are particularly feasible platforms for such concerns.²⁴

Sale and trafficking of children for sexual purposes

11. According to the 2018 trafficking report by The Group of Experts on Action against Trafficking in Human Beings (GRETA), Estonia is a source, transit and destination country for trafficking.²⁵ Finland, Ireland, the UK and Cyprus were all identified as principal destination countries for victims of trafficking in Estonia.²⁶ In recent years, Estonia has increasingly become a destination country for victims of trafficking.²⁷
12. In the years 2015-2016, Estonia had the highest proportion of child victims of trafficking of all European Union member states (83%).²⁸ Like sexual crimes, most reported human trafficking crimes in Estonia are committed against minors, namely, in 2017 more than 70% of trafficking

victims were minors aged 3-17.²⁹ There were 32 registered crimes relating to the trafficking of minors in 2019 and 28 in 2018.³⁰ Encouragingly, these numbers have seen a significant decline from 67 in 2017 and 59 in 2016.³¹ However, a particular point of concern is that all crimes relating to the trafficking of children in 2019 were sexual in nature.³² Although the low numbers reported mean that these statistics cannot be relied upon to provide a full and accurate account of the situation, they still highlight a worrying trend of child trafficking in Estonia.

13. The registered criminal cases from 2017 showed that, in exchange for sexual services, children were offered new cell phones, cigarettes, a job as a dancer at a club, unlimited access to alcohol, a possibility of 'gentlemen' to spend money on them; also, to start a secretary job with an additional obligation to provide sexual services. On average children were offered 5 to 50 euros, but in certain instances a monthly 'salary' of 500 euros was offered.³³

Sexual exploitation of children in travel and tourism

14. In 2019, 3.78 million domestic and international tourists stayed overnight in one of Estonia's accommodation options, a figure that represented a new record for the 10th consecutive year.³⁴ Whilst there has been no research into the sexual exploitation of children in a travel and tourism context carried out in Estonia, making it difficult to assess the true extent and scope of the problem, it is clear that the consistent rise in tourism within the country could possibly leave children vulnerable to sexual exploitation.

15. Only 9 travel and tours operators with operations in Estonia, including hotels and associations, have signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism which aims to protect children from sexual abuse in travel and tourism.³⁵ Currently there are no companies based in Estonia that are signatories of The Code..

Child, early and forced marriage

16. There is also lack of information and data surrounding CEFM in Estonia. The Committee on the Rights of the Child indicated, in its 2017 report on Estonia, that in 2015 and 2016 there were 5 registered cases of child marriage within the country.³⁶ Girls Not Brides have indicated that gender inequality and a belief that women and girls are inferior to men and boys may be drivers of CEFM in Estonia.³⁷ Given that the law allows for children over 15 to be married in some circumstances (as discussed below), it is important that more research is carried out in order to gain a true perspective of the problem.

Legislative framework on prohibition of sexual exploitation

17. The age of sexual consent (statutory rape) is set at 14 under the Penal Code.³⁸ Therefore, engaging in sexual intercourse or other acts of sexual nature with a child below 14 is punishable by up to 5 years of imprisonment.³⁹
18. Article 147 formulates the legal age of incapacity to comprehend acts of sexual nature or sexual behaviour as a person less than ten years.⁴⁰ This means that engaging in sexual intercourse or other acts of sexual nature with a child less than ten years is always considered exploitative, and therefore is considered a crime of rape. The Supreme Court of Estonia has further expressed that this Article does mean to imply that children age ten and above may automatically be considered as capable of comprehension. The Court stated that with children of 10-to-13-years the ability of comprehension must be determined individually in every case considering the particularities of that specific case.⁴¹
19. If an adult engages in sexual intercourse or commission of acts of sexual nature with a child under the age of 18 “by taking advantage of the dependency of the victim on the offender or with abuse of influence or confidence but without using force”, when legal elements of rape are not met, they will be punished with imprisonment of between 2 and 8 years.⁴² There is no provision for a close in age exemption under Estonian law.

Exploitation of children in prostitution

20. The act of engaging in prostitution is not illegal under Estonian law. However, the Penal Code criminalises certain acts related to prostitution, such as, organising a meeting between a person engaged in prostitution with a client, owning, managing or renting premises for keeping a brothel or influencing a person to cause him/her to engage in prostitution.⁴³ Further, knowingly aiding prostitution is considered as an offence.⁴⁴ These offences do not carry heavier penalties when committed against children.
21. Offering money or some other benefit for sexual intercourse or other sexual acts to a minor is illegal under the Penal Code.⁴⁵ Perpetrators will face imprisonment of up to 3 years if found guilty of this offence.⁴⁶ In addition, the exploitation of minors in prostitution is considered under the human trafficking of minors offence.⁴⁷ This provision highlights that anyone found guilty of influencing a child under 18 in order to cause the victim to commence or continue in prostitution, will be punished with imprisonment of between 2 and 10 years.⁴⁸ Whether or not this influence was exercised for the purpose of economic benefits is immaterial in determining guilt.⁴⁹

Online child sexual exploitation (OCSE) and child sexual abuse materials (CSAM)

22. Under article 178 of the Penal Code the “manufacture, acquisition or storing, handing over, displaying or making available to another person in any other manner of pictures, writings or other works or reproductions of works depicting a person of less than eighteen years of age

in a pornographic situation, or a person of less than fourteen years of age in a pornographic or erotic situation”, is illegal and punishable with a fine or up to 3 years imprisonment.⁵⁰⁵¹

23. Furthermore, knowingly requesting access to “child pornography” or knowingly watching a pornographic performance involving children under 18 in a pornographic situation or children under 14 in a pornographic or erotic situation carries a punishment of a fine or up to 2 years imprisonment.⁵² In addition, under the human trafficking of minors offence, it is illegal to influence a child under 18 to engage in pornographic performances or works.⁵³ Unfortunately, Estonian legislation does not provide a definition for CSAM, therefore leaving ambiguity as to what may constitute an offence. Further, prohibited acts related to CSAM do not explicitly cover all offences that are committed in an online environment.
24. Under article 178¹ of the Penal Code it is illegal to make a proposal for meeting, conclude an agreement to meet or perform an act preparing the meeting with a child for the purpose of committing a sexual offence.⁵⁴ Whilst this provision covers all children under 14, only those between 14-18 who are not capable of comprehending the situation will be covered,⁵⁵ thereby not affording the same level of protection to all children. Although this provision broadly covers grooming offences, it does not explicitly refer to offences committed in an online environment.
25. It is illegal to hand over, display or make available pornographic works or reproductions thereof, to children below 14 years of age.⁵⁶ Moreover, showing children of this age sexual abuse, engaging in sexual intercourse in their presence or knowingly sexually enticing them in any other manner is criminalised.⁵⁷ These offences will be punished by a fine or up to 3 years imprisonment.⁵⁸ Unfortunately, children aged between 14-18 are not protected from such offences.
26. Under the Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty it is illegal to disseminate or exhibit to minors any works which contain pornography.⁵⁹
27. Finally, if an Internet Service Provider becomes aware of illegal activity it must act to remove or disable access to this information.⁶⁰ Further, “service providers are required to promptly inform the competent supervisory authorities of alleged illegal activities undertaken or information provided by recipients of their services”.⁶¹

Sale and trafficking of children for sexual purposes

28. The trafficking of minors is contained as an offence under article 175 of the Penal Code.⁶²⁶³ Further, in compliance with article 3 (c) of the Palermo Protocol, the means required for the trafficking of adults i.e. the “deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person”,⁶⁴ is not required to constitute an offence under Estonian law.

However, if one of these means is employed in trafficking a child under 18, the punishment will be increased to between 3 and 15 years imprisonment, as per article 133 of the Penal Code.⁶⁵ The movement or displacement of a child is not required in order to constitute a trafficking offence.

29. The “transportation, delivery, escorting, acceptance, concealment or accommodation” without prior authorisation of a trafficked person is prohibited under article 133^{1,66}. Moreover, it is an offence to “buy sex from him/her” or aid his/her forced acts in any way.⁶⁷ Carrying out these offences against children under 18 is considered as an aggravated penalty, with a punishment of between 2 and 10 years imprisonment.⁶⁸
30. The selling and buying of children is prohibited as a separate offence under the Penal Code,⁶⁹ However, the legislation regarding the sale and trafficking of children does not explicitly cover offences within and outside of the national territory.

Sexual exploitation of children in travel and tourism

31. There are no provisions under the Estonian legislation that explicitly prohibit SECTT. However, “legal persons” can be found guilty of all the offences relating to the sexual exploitation of children that are contained under the Penal Code. This means that companies working in a travel and tourism context could be found guilty of crimes relating to SECTT. However, during the course of this research it has not been possible to find any examples of this happening in practice.

Child, early and forced marriage

32. The minimum age of marriage is set at 18 under article 1 of the Family Law Act. However, the courts may “extend the active legal capacity” of children over 15 in order to allow them to marry.⁷⁰ Whilst the Family Law Act does not specify under what conditions the court would do so, the General Part of the Civil Code Act states that active legal capacity of a child aged 15 or over may be extended if it is in the interests of the minor and his/her level of development permits it.^{71,72}
33. Whilst the forced marriage of a child is not considered as a separate offence under Estonian law, it is considered under the human trafficking of minors provision.⁷³ Therefore, influencing a child under 18 in order to cause him to marry against his/her will is criminalised with a punishment of between 2 and 20 years imprisonment.⁷⁴

Extraterritorial jurisdiction and extradition

34. In terms of extraterritorial jurisdiction, the principle of double criminality applies under Estonian law. Therefore, under the Penal Code, criminal jurisdiction will apply to acts

committed outside the territory of Estonia only when they are considered as an offence in Estonia and within the territory in which they were carried out, or if there is no applicable penal power wherever the offence has been committed.⁷⁵ Further, the penal law will only be applicable where: the act was committed against a citizen of Estonia or a legal person registered in Estonia, the offender is a citizen of Estonia or has become one after carrying out the offence or the offender is a foreigner who has been detained in Estonia but not extradited.⁷⁶ However, an exception to this rule exists whereby, regardless of the law of the territory in which the crime was committed, the criminal jurisdiction will apply to any acts committed outside of Estonia if it is punishable under international obligations binding on Estonia.⁷⁷

35. Under the Code of Criminal Procedure, a person is admissible for extradition if the requesting State issues an arrest warrant for prosecution or if a person has been sentenced to imprisonment in the requesting State.⁷⁸ Furthermore, the principle of double criminality applies, meaning that the extradition will only be granted when the perpetrator is accused of a crime that is punishable by at least one year of imprisonment in both Estonia and the requesting State.⁷⁹ This would not cover all crimes related to SEC, considering that offences related to CSAM and grooming carry a minimum sentence of a fine.

Recommendations to the Government of Estonia

1. Adopt a definition of child sexual abuse material in line with Article 2(c) of the OPSC;
2. Amend article 178¹ of the Penal Code to explicitly criminalise online grooming and offer the same level of protection to children of all ages;
3. Adopt specific legal provisions to criminalise the sexual exploitation of children in travel and tourism;
4. Establish 18 as the legal age of marriage without any possible exception;
5. Remove the double criminality requirement in provisions relating to extraterritoriality and extradition;
6. Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

Implementation

National policies and programmes

36. The main policy related to the sexual exploitation of children in Estonia is the Strategy for Preventing Violence 2015-2020. This strategy covers, among other things, human trafficking, sexual violence and the sexual abuse of children.⁸⁰ One of the main impact indicators for the strategies' overall goal of reducing violence is the reduction in the proportion of children falling victim to sexual abuse.⁸¹ However, the strategy has a wide-ranging focus on many forms of violence against all types of victims, not only children. Furthermore, the strategy does not contain specific goals related to the different manifestations of SEC, instead focusing more broadly on child sexual abuse or human trafficking in persons.

37. The overall coordination for the Strategy for Preventing Violence 2015-2020 is overseen by the Ministry of Justice.⁸² There are seven government ministries responsible for its implementation, as well as local government, NGOs, healthcare and education institutions.⁸³ In order to assess the effectiveness of the Strategy, annual reports were to be carried out, as well as an interim report in 2018 and a final report upon its completion.⁸⁴ The total cost predicted for the implementation of the strategy was 14 million euros.⁸⁵ The implementation report for the Strategy for Preventing Violence 2015-2020 contains further details on specific targets relating to SEC. It provides that 300 vocational and high school students will receive training on human trafficking and sexual exploitation each year and that teachers will be provided with information, training and support materials for the prevention of child sexual abuse.⁸⁶ However, there has only been one evaluation report, for this strategy, that has been made publicly available. The report, from 2015, indicates that, in that year, 318 students participated in 19 lectures on human trafficking and sexual exploitation.⁸⁷
38. The action plan of the Government of Estonia for 2019-2023 list one of its priorities combatting human trafficking and child sexual abuse. Some of the specific actions include creating a sex offenders registry, capacity building and development of Children's House service, more effort on awareness raising and prevention related to human trafficking, developing services to help child victims of sexual and physical abuse, and victims of human trafficking.⁸⁸
39. In terms of trafficking, the Criminal Policy Department of the Ministry of Justice fulfils the role of National Coordinator of Action against Trafficking.⁸⁹ Its duties include ensuring the efficient implementation of anti-trafficking policies, analysing crime data and reporting to international organisations.⁹⁰ Furthermore, the National Coordination network, open to organisations involved in the fight against human trafficking, meets twice a year to coordinate anti trafficking efforts.⁹¹ However, these bodies are aimed at tackling human trafficking as a whole and do not appear to have a particular focus on the trafficking of children for sexual purposes.

Recommendations to the Government of Estonia

7. Adopt a specific national action plan to end the sexual exploitation of children (SEC) or at least make sure to integrate all manifestations of SEC in the future national action plans pertaining to children's rights;
8. Ensure accountability by making all evaluation reports on the Strategy for Preventing Violence 2015-2020 and any future plans publicly available;
9. Conduct a nationwide assessment on the scope and characteristics of all SEC manifestations to develop evidence-based policies and strategies; and consider establishing a dedicated mechanism to collect disaggregated data on SEC.

International cooperation

40. The principle legislation providing for international cooperation on criminal matters is the Code of Criminal Procedure. It provides that the Ministry of Justice will consider all requests for mutual assistance in criminal matters,⁹² unless it contravenes the interests of Estonia, is in conflict with principles of Estonian law or seeks to punish a person on account of his or her race, nationality or religious or political beliefs.⁹³
41. Estonia has committed to achieving the Sustainable Development Goals 2030 and submitted its Voluntary National Review in 2020. Whilst this review mentions certain aspects of SEC, it focuses mainly on support services offered by NGOs to victims of sexual abuse and does not address actions to tackle SEC in each of its manifestations.⁹⁴
42. Estonia has not yet ratified the Optional Protocol on the Rights of the Child on a communications procedure.

Prevention, awareness and education

43. Whilst the Government of Estonia has not created a publicly accessible sex offenders register, the Criminal Database Act creates a public register that records information relating to all crimes committed.⁹⁵ Moreover, all perpetrators who have been convicted of sexual offences involving children are restricted from working as child protection officials or in any role that works with children.⁹⁶ The onus is on the employer to request information from the Criminal Database about whether a person has committed a sex crime against children.⁹⁷ The Government of Estonia does not provide that the authorities enforce international travel restrictions on nationals that were convicted of sexual offences against children, nor that they consistently deny entry to foreign child sex offenders.
44. On 18th November 2019, to mark anti-child sexual abuse day, the Estonian government published information, to both parents and children, about signs of sexual abuse and help options.⁹⁸ The government has also taken part in the Council of Europe “Start to Talk” campaign which focuses on child sexual abuse in sport and calls on government agencies and sports organisations to take extra precautions to further protect children.⁹⁹
45. The Estonian Safer Internet Centre organises awareness raising events and campaigns, distributes materials to children, teachers and parents and promotes safety in the online environment.¹⁰⁰ However, none of the materials currently posted on the Centre’s website relate directly to CSAM or SEC more generally. The campaign “Say No” was posted under the ‘Vihjeliin’ service, aiming to promote awareness against online sexual coercion and extortion of children.¹⁰¹ In 2018, the Estonian Sexual Health Association launched a campaign against sexual violence. The campaign, aimed at young people, focuses on how to spot sexual violence and what to do if you have experienced it.¹⁰²

46. Regarding trafficking, the government carried out the “1 life” campaign in 2017, aimed at raising awareness of trafficking for the purpose of labour exploitation, sexual exploitation and using children for criminal acts.¹⁰³ The part of the campaign targeting sexual exploitation did not focus on children and instead was aimed at sex workers and those purchasing sexual services.¹⁰⁴ It is unclear whether the campaign related to using children for the commission of criminal acts included the trafficking of children for sexual purposes. Lastly, the government has established an agreement with the Estonian National Television that stipulates they will include information on trafficking, violence and sexual exploitation during children’s TV programmes.¹⁰⁵

Recommendations to the Government of Estonia

- Allocate enough funding to raise public awareness about all SEC manifestations, specifically among vulnerable groups, citizens and visitors;
- Enforce restrictions on the movement of nationals who have been convicted of sexual offences against children and enable authorities to deny access to foreign child sex offenders;
- Support genuine participation of children and young people in planning prevention and educational activities related to the SEC;
- Support cooperation between different stakeholders on the field, particularly with NGOs;
- Incorporate addressing issues related to SEC into the national curriculum, including the development of an e learning course for children, young people, parents, teachers, and other relevant stakeholders;
- Engage with the private sector in promoting the creation of ethical standards aimed at contributing to the prevention and reporting of SEC.

Protection

National complaint mechanisms

47. Investigative bodies and Prosecutors’ Offices are required to conduct criminal proceedings when facts referring to a criminal offence become evident and therefore a victim’s complaint is not required to initiate proceedings.¹⁰⁶

48. Under the Child Protection Act, it is mandatory for anyone with knowledge of a child in need of assistance to notify the government or national child helpline service.¹⁰⁷ A child in need of assistance is any “child whose well-being is threatened or in the case of whom doubt has arisen concerning his or her abuse, neglect or any other situation violating the rights of the child”.¹⁰⁸

49. Estonia has a 24/7, free national child helpline available on the number 116111. The helpline can be utilised by both children and adults to report incidents or gain advice on a range of topics including, among other things, the sexual abuse of children.¹⁰⁹ The latest available information indicates that the helpline was contacted 6580 times in 2018.¹¹⁰ However, the statistics are not disaggregated and so it is unclear how many of these calls were made by children or how many related directly to SEC. The Estonian Union for Child Welfare operates

the 'Vihjeliin' online service, through which illegal online conduct concerning sexual abuse, exploitation or trafficking can be reported anonymously.¹¹¹ The Estonian Union for Child Welfare operates in accordance with a number of actors, including law enforcement, ISPs and other NGOs in order to try and prevent such material being distributed.¹¹² The 'Vihjeliin' service is also part of the INHOPE and INSAFE international networks.¹¹³ The most recently published statistics indicate that, in the second half of 2019, the service received 98 reports of CSAM, rising from 33 in the first half of the year.¹¹⁴ Children in need of assistance may also be reported to a local authority, directly to Children's House or online to a web constable.¹¹⁵

50. Finally, the NGO Living for Tomorrow offers a free helpline offering support services relating to trafficking.¹¹⁶ Callers can receive legal advice, referral to the relevant authorities or advice on how to avoid becoming a victim of trafficking.¹¹⁷ This helpline is available to people of all ages and in 2018, only 1% of callers were under 18.¹¹⁸ This is a worryingly low percentage considering the high proportion of children identified as trafficking victims within the country.

Child sensitive justice

51. Under the Code of Criminal Procedure it is established that the body conducting proceedings may involve a child protection officer, social worker, teacher or psychologist in hearings that involve a child witness.¹¹⁹ Further, when the child is under ten years old or under 14 years old and has been a victim of sexual abuse, the use of one such official is mandatory and their hearing will be video recorded if the intention is to use the hearing as evidence.¹²⁰ Children have special treatment protection in criminal proceedings. When minors are parties of criminal proceedings, the Court usually declares hearings private.¹²¹ The Court may also provide anonymity to protect the victim.¹²² Special forensic interviewing practices have been developed and are widely employed in Estonia when minors are part of criminal proceedings, particularly in case of sex crimes.¹²³ Lastly, children under 14 must not be cross examined and instead may be questioned by one of the officials, as mentioned above, with the permission of the judge.¹²⁴ The State's Attorneys' Office has developed a best practice guideline for sensitive treatment of victims in criminal proceedings.¹²⁵
52. In the 2018 report by GRETA, it was noted that whilst child friendly facilities for interviewing child victims or witnesses existed throughout Estonia, they were rarely used in trafficking cases as the victim was usually over 14.¹²⁶ Furthermore, NGOs informed that child victims of trafficking who were over 14 were not provided with a child protection specialist, psychologist or legal representation.¹²⁷ Although this report relates specifically to trafficking, it highlights a worrying trend of providing unequal protection to children aged over 14.
53. The Ministry of Justice has developed some child-friendly materials to help prepare children for court proceedings by explaining the process, their rights and possibilities for additional help or resources.¹²⁸

Access to recovery and reintegration

54. Access to victim support services is guaranteed to child victims under the Victim Support Act, which has a particular focus on victims of human trafficking and sexually abused minors.¹²⁹ Under the Act, a sexually abused minor will be considered as any child who has been a victim of any of the SEC related offences covered in this report.¹³⁰ The Act provides that victims will have access to: accommodation, catering, health services, psychological assistance, translation and interpretation services and other services necessary for the physical and psycho-social rehabilitation of victims.¹³¹
55. Estonia currently has three Children's Houses run by the Social Insurance Board of Estonia.¹³² Children's Houses operate following the Icelandic Barnahus model, which aims to reform the adverse responses the justice system often has towards child victims of violence and abuse.¹³³
56. In terms of trafficking, the NGO SOS Children's Villages is contracted by the Social Insurance Board through a public tender to provide substitute home services to child victims.¹³⁴ Whilst the NGO has capacity to house seven child victims of trafficking, it only receives sufficient funding to cover five.¹³⁵ GRETA noted in its 2018 report that authorities planned to move all support services to child victims of trafficking to the Children's Houses by 2020.¹³⁶ In the course of this research it has not been possible to verify whether this has already taken effect.
57. In 2019 a manual for identifying victims of human trafficking and referring them to the right services was compiled.¹³⁷ When assisting underage victims of trafficking, special focus is on ensuring a safe and child-friendly environment from the first contact; therefore, children should be exposed to as few specialists as possible. The SIB specialist decides the most suitable intervention for the child. If it is not in the child's best interest to offer them services with other children, the specialist might send the child to services meant for (adult) victims of trafficking.¹³⁸ Children may also be provided safe housing by temporary substitute home service or letting them stay at home (when ensured its safety). Children's Houses also offer services to child victims of trafficking.
58. Besides governmental services, some non-governmental organizations provide important services. NGO Tallinn Child Support Centre and Tartu Child Support Centre offer free counselling and psychotherapy for abused and neglected children and their families. Sexual Health Clinics offer free counselling and medical services for children and young people.¹³⁹

Access to compensation

59. The right to compensation for "tangible and intangible harm" is established under the Estonian constitution.¹⁴⁰ There are three ways in which victims of SEC may claim

compensation: through a civil claim in criminal proceedings,¹⁴¹ through a separate civil claim and through the state compensation offered under the Victim Support Act. Under the Victim Support Act victims of trafficking or sexually abused minors will be eligible to claim compensation regardless of whether they have a legal basis for stay in Estonia.¹⁴² The maximum amount of compensation available per victim is capped at EUR 9590 under this Act.¹⁴³ Given the range of complex and damaging repercussions that victims of sexual exploitation may face in their futures, such as, developmental delays, difficulty forming relationships, low self-worth etc,¹⁴⁴ this maximum amount is insufficient in truly compensating victims of SEC.

Recommendations to the Government of Estonia

- Ensure that enough shelters for children victims of SEC are available, properly funded, staffed by well-trained personnel and able to offer integrated services (psychological, legal, medical, etc.);
- Ensure that law enforcement agencies have the funds, resources and skills to identify, investigate and respond to SEC and are able to use adapted protocols when dealing with SEC victims;
- Ensure that all relevant professions such as law enforcement, justice staff and social workers have received adequate training on issues related to SEC;
- Ensure that all child victims of SEC have full access to child friendly justice measures;
- Amend the Victim Support Act to ensure that victims of SEC have access to adequate amounts of compensation.

¹ See Human Rights Council. (2016). [UPR of Estonia– Second Cycle – Thematic List of Recommendations.](#)

² Human Rights Council. (2016). [Report of the Working Group on the Universal Periodic Review: Estonia.](#) A/HRC/32/7 12th April 2016 Recommendations 123.1 & 123.2.

³ *Ibid.*

⁴ In line with the recently and widely adopted Terminology Guidelines, ECPAT prefers the term “exploitation of children in prostitution” instead of “child prostitution.” ECPAT International (2016). [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016](#), 29. Bangkok: ECPAT.

⁵ In line with the recently and widely adopted Terminology Guidelines, ECPAT prefers the term “child sexual exploitation material” or “child sexual abuse material” instead of “child pornography.” *Ibid.*, 39.

⁶ *Ibid.*, 54.

⁷ Sexual violence in that study was for instance rape (e.g. forced vaginal, anal or oral penetration but also taking advantage of victim's inability or resisting or comprehending the situation), attempted rape, forced masturbation and other such forms of violence. Sexual abuse was defined more broader in the study covering sexual violence, sexual harassment and online sexual abuse and exploitation. - Hillep, P., & Pärnamets, R. (2020). [Laste ja noorte seksuaalse väärkohtlemise hoiakute ja kogemuste uuring. \(A study of attitudes and experiences of sexual abuse of children and young people\)](#) 4, 5. Tallinn: the Estonian Ministry of Justice. [5-8.](#)

⁸ *Ibid.*, 44.

⁹ *Ibid.*, 45.

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- ¹⁰ *Ibid.*
- ¹¹ Estonian Chancellor or Justice. (n,d). [Surveys and Statistics](#).
- ¹² *Ibid.*, (n,d).
- ¹³ Government of Estonia. (n,d). [Kuritegevus Eestis 2019](#).
- ¹⁴ Government of Estonia. (2017). [Kuritegevus Eestis 2017](#). 54.
- ¹⁵ *Ibid.*
- ¹⁶ ITU. (2019). [Mobile cellular subscriptions per 100 inhabitants](#).
- ¹⁷ ITU. (2019). [Individuals using the Internet](#).
- ¹⁸ Soo, Lukk, Ainsaar, Beilmann, Sammul, Tamm, Espenberg, Murakas, Arak, Aksen, Vahaste-Pruul, Kutsar, (2016). [Laste ja noorte seksuaalse väärkohtlemise leviku uuring](#). Tartu Ülikool. 66
- ¹⁹ *Ibid.*, 38.
- ²⁰ *Ibid.*
- ²¹ Government of Estonia. (2018). [Kuritegevus Eestis 2018](#). 16-18.
- ²² Abiks Ohvrile. (n,d). [Seksualkuriteod Virtuaalmaailmas](#).
- ²³ *Ibid.*
- ²⁴ *Ibid.*
- ²⁵ GRETA. (2018). [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia](#).
- ²⁶ *Ibid.*
- ²⁷ Government of Estonia. (2019). [Inimkaubanduse ohvritele on abi, kaitse ja toetus olemas](#).
- ²⁸ European Commission. (2018). [Data collection on trafficking 2018 in human beings in the EU](#). 59.
- ²⁹ Government of Estonia. (2017). [Kuritegevus Eestis 2017](#). 74-75.
- ³⁰ Government of Estonia. (n,d). [Kuritegevus Eestis 2019](#).
- ³¹ *Ibid.*
- ³² *Ibid.*
- ³³ Government of Estonia. (2017). [Kuritegevus Eestis 2017](#). 75.
- ³⁴ Visit Estonia. (n,d). [Accommodation statistics \(tourists and overnights\) Jan- Dec 20014- 2019](#).
- ³⁵ The Code. (n,d). [Members of the Code](#). Webpage.
- ³⁶ Committee on the Rights of the Child. (2017). [Concluding observations on the combined second to fourth periodic reports of Estonia](#). 4.
- ³⁷ Girls Not Brides. (n,d). [Estonia](#).
- ³⁸ Government of Estonia. (2002). [Penal Code](#). Article 145.
- ³⁹ *Ibid.*
- ⁴⁰ *Ibid.* Article 147
- ⁴¹ Supreme Court of Estonia. [Kohtuotsus Eesti Vabariigi nimel 3-1-1-45-07](#). 13.
- ⁴² Government of Estonia. (2002). [Penal Code](#). Article 143².
- ⁴³ *Ibid.*, Article 133².
- ⁴⁴ *Ibid.*
- ⁴⁵ *Ibid.*, 145¹.
- ⁴⁶ *Ibid.*
- ⁴⁷ *Ibid.*, Article 175.
- ⁴⁸ *Ibid.*
- ⁴⁹ *Ibid.*
- ⁵⁰ *Ibid.*, Article 178.
- ⁵¹ Note: The distinction between pornographic and erotic material is made based on the degree and the obtrusiveness of sexuality. Erotic material is a depiction of sexuality in a tone that is not vulgar or intrusive; it can further be a depiction of a child in a regular casual activity, yet with the focus on genitals or other exposed body parts. The pornographic situation holds any representations of the child either in actual or simulated sexual activities or depiction of a child's sexual organs for sexual purposes in an intrusive and obscene demeanour. Supreme Court of Estonia. [Kohtuotsus Eesti Vabariigi nimel 1-16-5792](#). 13-14.
- ⁵² Government of Estonia. (2002). [Penal Code](#). Article 175¹.
- ⁵³ *Ibid.*, Article 175.

- ⁵⁴ The punishment for this offence ranges between a fine and up to 3 years imprisonment. *Ibid.*, Article 178¹.
- ⁵⁵ *Ibid.*
- ⁵⁶ *Ibid.*, Article 179.
- ⁵⁷ *Ibid.*
- ⁵⁸ *Ibid.*
- ⁵⁹ Government of Estonia. (1998). [Act to Regulate Dissemination of Works which Contain Pornography or Promote Violence or Cruelty](#). Article 1.
- ⁶⁰ Government of Estonia. (2004). Information Society Services Act. Article 10.
- ⁶¹ *Ibid.*, Article 11.
- ⁶² According to this provision it is prohibited to influence a child under 18 in order to cause him/ her to, among other things, engage in prostitution, marry against his/her will or appear in pornographic or erotic performances. The punishment for such crimes amounts to between 3 and 10 years imprisonment. Government of Estonia. (2002). [Penal Code](#). Article 175.
- ⁶³ *Ibid.*
- ⁶⁴ *Ibid.*, Article 133.
- ⁶⁵ *Ibid.*
- ⁶⁶ *Ibid.*, Article 133¹.
- ⁶⁷ *Ibid.*
- ⁶⁸ *Ibid.*
- ⁶⁹ *Ibid.*, Article 173.
- ⁷⁰ Government of Estonia. (2010). [Family Law Act](#). Article 1.
- ⁷¹ Government of Estonia. (2002). [General Part of the Civil Code Act](#). Article 9.
- ⁷² The Code of Civil Procedure¹ Article 570 elaborates that the court decides over the extension of the active legal capacity of a minor based on the filed civil petition of either the minor, the parent or guardian, or the local government; and given oral statements during the hearing. Government of Estonia. (2006). [Code of Civil Procedure](#). Article 750
- ⁷³ Government of Estonia. (2002). [Penal Code](#). Article 175.
- ⁷⁴ *Ibid.*
- ⁷⁵ Government of Estonia. (2002). [Penal Code](#). Article 7.
- ⁷⁶ *Ibid.*
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- ⁷⁸ Government of Estonia. (2004). [Code of Criminal Procedure](#). Article 438.
- ⁷⁹ *Ibid.*, Article 439.
- ⁸⁰ Government of Estonia. (2015). [Strategy for Preventing Violence for 2015–2020](#).
- ⁸¹ *Ibid.*, 5.
- ⁸² *Ibid.*, 25.
- ⁸³ *Ibid.*
- ⁸⁴ *Ibid.*
- ⁸⁵ *Ibid.*, 26.
- ⁸⁶ Government of Estonia. (2016). [Vägivalla ennetamise strateegia rakendusplaan aastateks 2016-2020](#).
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- ⁸⁹ GRETA. (2018). [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia](#). 12.
- ⁹⁰ *Ibid.*
- ⁹¹ *Ibid.*
- ⁹² Government of Estonia. (2004). [Code of Criminal Procedure](#). Article 436.
- ⁹³ *Ibid.*, Article 462.
- ⁹⁴ Government of Estonia. (2020). [Review of the Implementation of the UN 2030 Agenda in Estonia](#).
- ⁹⁵ Government of Estonia. (2012). [Criminal Records Database Act](#).
- ⁹⁶ Government of Estonia. (2004). [Victim Support Act](#).

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- ⁹⁷ RIK. (n,d). [Verifying the restriction of working with children.](#)
- ⁹⁸ Government of Estonia. (2019). [Day against Sexual Abuse.](#)
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- ¹¹⁷ *Ibid.*
- ¹¹⁸ *Ibid.*
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- ¹²⁰ *Ibid.*
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- ¹²³ Estonian Sexual Health Association. (August, 2020). Personal Communication.
- ¹²⁴ *Ibid.*, Article 290.
- ¹²⁵ State Attorney's Office. (2019). [Kannatanu Kohtlemise Parim Praktika.](#)
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- ¹²⁷ *Ibid.*
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- ¹²⁹ *Ibid.*, Article 3.
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- ¹³³ Currently, Estonia has three centres that cover the northern, southern, and eastern regions of the country. The first Children's House was opened in 2017 in Tallinn, the second 2018 in Tartu, and the most recent one 2020 in Jõhvi. Additionally, there are plans for opening another Children's house in the western region in 2022, which serves covering the entire country. Children's House offers child-friendly services to children who may be victims of sexual abuse in a safe environment. The model supports child-sensitive justice relying on interagency collaboration and interdisciplinary approach to improve criminal proceedings, prevent secondary victimization, ensure recovery, and safeguard victims' rights and needs. A multi-disciplinary team of specifically trained specialists evaluate a child's need for help and provide comprehensive services under one roof to child victims and their families. These specialists can be psychologists, psychiatrists, forensic examination doctors, law enforcement agents, lawyers, social workers, and other needed professionals. The centres also commit to capacity building and raising public awareness about child sexual abuse and exploitation. The existing services are available to all children in need of assistance across Estonia. Government of Estonia. (2020). [Review of the Implementation of the Un 2030 Agenda in Estonia.](#) 38.

¹³⁴ GRETA. (2018). [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia](#). 33.

¹³⁵ *Ibid.* 35.

¹³⁶ *Ibid.*

¹³⁷ The central point of reference for assisting trafficking victims is the Social Insurance Board (SIB). Victims assistance crisis hotline 116006 is accessible 24/7, and SIB also offers consultations in Estonian, Russian, and English on working days during office hours. Victims can receive the following services: counselling, safe housing, medical services, psychological help, financial aid, translation services, help with communicating different authorities, legal aid, supports person service, and social counselling. Government of Estonia. (2019). [Inimkaubanduse ohvri tuvastamise ja teenusele suunamise juhend](#).

¹³⁸ *Ibid.*

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