



# EXECUTIVE SUMMARY

## Estonia\*



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## Introduction

Estonia is a parliamentary republic and one of the least populous countries in the European Union (EU). It has experienced remarkable economic growth since the 1990s and is considered a high-income economy,<sup>1</sup> with the highest GDP growth rate in Europe.<sup>2</sup>

Despite its successful economic performance, a number of indicators reveal serious social problems in Estonia that impact commercial sexual exploitation of children (CSEC): the highest HIV rate in the EU,<sup>3</sup> outstanding rates of dropout and discrimination in access to education,<sup>4</sup> increasing numbers of children without or with insufficient parental care<sup>5</sup> (considered the main at-risk group for CSEC),<sup>6</sup> and persistent gender-based discrimination – one of the highest gender pay gaps in the EU.<sup>7</sup>

Indeed, Estonia shows a growing pattern of sexual violence, as revealed in official data on cases of sexual attack, rape and other sexual abuse<sup>8</sup> (these cases increased by 14% in 2011).<sup>9</sup> In particular, sexual violence in Estonia is marked by a strong gender connotation (affecting 4 out of 10 girls as opposed to 1 out of 10 boys)<sup>10</sup> and is higher in schools for children with special needs.<sup>11</sup>

There is no official data on **child prostitution** in Estonia. However, research shows that prostitution – including of minors – affects mostly Russian-speaking women (who make up 80% of the women involved in prostitution),<sup>12</sup> especially those with poor education, who are

without employment or with no citizenship.<sup>13</sup> Moreover, data suggests that prostitution is mainly operated through intermediaries (thus intertwined with trafficking in persons) or in exchange for material considerations.<sup>14</sup>

**Child trafficking** in Estonia takes place at both the local and transnational levels and typically affects women of Russian origin<sup>15</sup> or those coming from difficult family situations.<sup>16</sup> Despite the high level of organisation of recruiters (competing with the Russians for the North European market),<sup>17</sup> it was only in 2012 that legislation specifically criminalising human trafficking was approved.

Estonia has recently become a high-risk country for **child pornography**.<sup>18</sup> Between 2006 – 2010, investigations of crimes related to child pornography more than doubled and in 2011, registered cases of “grooming” (solicitation of children online for sexual purposes) more than tripled from the previous year.<sup>19</sup> In 2011, an Internet hotline and online police constable were created to receive reports of Internet pornography cases.<sup>20</sup>

Estonia is a growing destination for **sex tourism**.<sup>21</sup> Approximately half of the sex buyers are Estonian men and the other half are foreigners.<sup>22</sup> Some of the negative consequences of growing sex tourism are increased levels of violence in internal prostitution and trafficking.<sup>23</sup>

## National Plan of Action

Estonia lacks a specific National Plan of Action (NPA) or policies to address CSEC comprehensively. CSEC is only partially addressed in the *Development Plan for Combating Trafficking in Human Beings 2006-2009* (with a specific section on the sale of children, child prostitution, and pornography)<sup>24</sup> and in the *Development Plan Against Violence 2010-2014*,<sup>25</sup> both of which have developed a few initiatives on CSEC but do not target it in its entirety. Also, the *Strategy of Children*

*and Families 2012-2020* contains a specific line of action for “identifying and helping unaccompanied and trafficked children” with two operational programmes to be monitored.<sup>26</sup> Finally, two policy documents focus on cybercrimes, the *Main Guidelines of Estonia’s Security Policy until 2015*<sup>27</sup> and the *Guidelines for Development of Criminal Policy until 2018*,<sup>28</sup> but again, they fail to specifically address CSEC offences.

## Coordination and Cooperation

Estonia has established structures for cooperation and coordination at national, regional and international levels. But despite progress being made, especially on human trafficking, comprehensive cooperation is needed in the different manifestations of CSEC.

*National* cooperation and coordination exists between the State and NGOs. However, this relationship is generally weak.

The State leads the implementation of the NPAs, where child trafficking prevails with regard to other areas of CSEC. In order to implement the *Development Plan for Combating Trafficking in Human Beings (2006-2009)*, a National Coordinator (NC) was appointed in 2006 by the Ministry of Justice to produce data and analysis,<sup>29</sup> and a National Human Trafficking Network was created by 2008 with comprehensive participation of public institutions and NGOs (although no special attention has been given to trafficked children).<sup>30</sup>

To implement the *Development Plan against Violence 2010-2014*, the Ministry of Justice coordinates several Working Groups (including on violence against children, trafficking in human beings and prostitution).<sup>31</sup> In 2011, the Chancellor of Justice assumed the role of Children’s Ombudsman, *inter alia*, ensuring that State bodies comply and promote human rights and providing education on children’s rights.

The National Contact Point (NCP) for unaccompanied and trafficked children is represented by the Ministry of Social Affairs, whose broad tasks include: coordination of official agencies; defining national procedures; and acting as a “point of contact” for the Expert Group for Cooperation on Children at Risk (EGCC) and for individuals, given that no specific referral mechanism exists for victims of human trafficking.<sup>32</sup>

Coordination and cooperation on child pornography is mostly led by NGOs, along with State institutions. The Safer Internet Centre project, launched in 2010 and coordinated by local NGOs,<sup>33</sup> includes an Awareness Centre, a Hotline, and a Helpline. Its Advisory Board’s strength is the cooperation between education facilities and research groups, despite its composition (with members of the public and private sector) which is considered not representative enough.<sup>34</sup> Also, NGO Estonian Advice Centre runs a Children Helpline under the supervision of the Ministry of Social Affairs and the Estonian police.<sup>35</sup>

Estonia’s CSEC *regional and international* cooperation and coordination is focused on human trafficking and, to a lesser extent, on child prostitution. It is carried out through *regional* and international organisations, bilateral agreements and international networks.

Baltic cooperation takes place within the EGCC<sup>36</sup> to enhance the cooperation of

regional countries and organisations through plans of action and initiatives.<sup>37</sup>

Mutual assistance in criminal matters is carried out through bilateral agreements and in cooperation with Interpol, Europol and neighbouring countries, with most identified cases concerning adults, not children.<sup>38</sup>

Cooperation within the EU plays a major role through multi-country EU funded programmes. Focussed on human trafficking, these programmes have dealt with: the functioning of the trafficking chain from recruitment to procurement (namely the AGIS programme of the European Commission, 2006-2008),<sup>39</sup> the integration of women involved in prostitution and trafficking (EU EQUAL project where Estonia had a partner

status, 2005-2008),<sup>40</sup> and Joint Cooperation between Police and Social Service against Trafficking (COPSAT project, launched in 2009).<sup>41</sup>

In the area of child pornography/child sexual abuse materials, attention is focused on making the Internet safer for children. The Safer Internet Program of the European Commission funds a project on risk-taking online (the ROBERT project), which is coordinated by the EGCC.<sup>42</sup>

Estonia is member of international networks to protect children from sexual abuse on the Internet, such as INSAFE (co-funded by the EU, it provides awareness and helplines) and INHOPE (creating a hotline for the network).<sup>43</sup>

## Prevention

Estonia has developed strategies to prevent certain manifestations of CSEC; however, these strategies do not target all CSEC areas and very rarely involve the private sector.

**Regarding child pornography/child sexual abuse materials**, the EU's Safer Internet Programme (2010) is the most consolidated prevention strategy. It intervenes in three areas: training (through the education system),<sup>44</sup> a helpline (through various channels, dealing mostly with cases of harassment),<sup>45</sup> and a hotline (constantly reporting on illegal content to the media).<sup>46</sup>

A relevant movement by the private industry is the development by mobile operators of a Code of Conduct on safer mobile use for children. The Code aims to restrict children's access to adult content and promote awareness and education among children and parents alike.<sup>47</sup>

Indeed, awareness raising campaigns on how to protect children from information and communications technology (ICT) exploitation have been carried out both by public and private actors – including the ICT industry and NGOs – on issues as varied as: information sheets for teachers, modification of school curricula, or information campaigns at large.<sup>48</sup> Also, training has been given to social workers, teachers and students from difficult schools.

The Government has implemented several campaigns to prevent human trafficking, although no data exists on their impact<sup>49</sup> and most of them do not specifically address **child trafficking**.

The **Development Plan for Combating Trafficking in Human Beings 2006-2009** has been the framework for implementing several campaigns focussed on raising awareness and training, mainly through: broad distribution of information on human trafficking, a media campaign to target prostitution demand (2006); vast training for professionals on potential victims of trafficking (2008), and substantial awareness raising imparted by public officials to students.<sup>50</sup>

Prevention activities on **sexual exploitation of children in tourism** are scarce in Estonia with one exception. As part of the STOP Sex Trafficking of Children & Young People Campaign (a partnership between ECPAT International and The Body Shop), the Tartu Child Support Centre implemented the "Offenders Beware" project with support from the European Commission.<sup>51</sup> This major project carried out awareness raising activities between 2008-2011, such as the International Tourism Fair TOUREST, which provided information on child sex tourism to thousands of visitors.<sup>52</sup>

Estonia has ratified the main international conventions against CSEC, namely: the *Convention on the Rights of the Child* (CRC), the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (OPSC) and the *Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

As a member of the Council of Europe (CoE), Estonia has ratified the *Convention on Cybercrime*, but it has only signed the *Convention on Action against Trafficking in Human Beings* (in 2010) and the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (in 2008). Estonia has substantially harmonised its legislation on child trafficking and child prostitution with the international standards of the OPSC, to a large extent due to the amendment of its Penal Code in 2012.

**Child trafficking** is addressed by Article 133 of the amended Penal Code under the heading “Trafficking in human beings.” It criminalises different conducts (previously not criminalised), including “engaging” in prostitution, with more severe punishments if committed against minors.

Improvements of the Penal Code also deal with **child prostitution**. The new Article 175 specifically criminalises “influencing” a minor into prostitution, with penalties ranging from two to 10 years of imprisonment. However, it is regrettable that Estonian legislation does not prohibit purchasing sexual services from children above the age of 14.

The Penal Code also contains relevant provisions to address **child pornography**. It criminalises and sanctions the following conduct (Articles 175(1), 178 and 179): “requesting” access to child pornography and watching thereof, preparations to meet a child for sexual abuse (grooming),<sup>53</sup> sexual

enticement of children and manufacturing or providing child pornography.

The last provision, “manufacturing pornography” (Article 178), is controversial. On the one hand, it prohibits the “storage” or possession of pornography, which is more progressive than the OPSC. On the other hand, Article 178 prohibits the depiction of minors under 14 years of age in pornographic and erotic materials, but only prohibits the depiction of minors between 14 and 18 years old in pornographic materials, allowing their representation in erotic materials.

Estonian law also fails to criminalise “virtual” child pornography<sup>54</sup> and fails to require international providers to report, delete, or block child pornography/sexual abuse materials.

### Extradition Law

Under Estonia’s Penal Code, criminal jurisdiction is applied over crimes committed on national territory (Article 6), crimes committed by Estonian nationals abroad if double criminality exists (Article 7) and acts committed outside of Estonia if they are punished under international binding obligations for Estonia (Article 8). 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 (Article 438).

### Child Protection Units

Investigations of crimes against children are conducted by child protection units and by specially trained police in each police prefecture.<sup>55</sup> Since 2009, a special investigation unit has been set up to counter cybercrimes, including those related to child prostitution and pornography.

Court hearings of children under 14 years of age take place in the presence of specially trained personnel.<sup>56</sup> In addition, a recent amendment of the Criminal Code of Procedure enables video or audio taping to limit the number of interviews a child must undergo.

## Support Services for Children

The *Child Protection Act* provides that local social services take charge of vulnerable children (including victims of CSEC), and the *Victim Support Act* declares victims' rights to free counselling and medical treatment. In reality, it is through NGOs that most social services for abused children are channelled,<sup>57</sup> from long-term assistance to helplines.<sup>58</sup>

Special consideration is given to victims of trafficking. They can apply for asylum, temporary protection and, since 2007, for a trafficking temporary residence permit under the *Aliens Act* (still unused).<sup>59</sup> Also, the *Development Plan for Reducing Violence 2010–2014* emphasises support for unaccompanied and trafficked children, but no developments

have been made in this respect.<sup>60</sup>

NGOs lack well trained professionals and comprehensive assistance in all the variants of CSEC, especially in rural areas.<sup>61</sup>

## Training Law Enforcement Personnel

The government and NGOs have imparted capacity building on the abuse of children to judges, prosecutors and police officers (now part of the basic police training), although studies reveal that this training is deficient.<sup>62</sup>

Within the Anti-Trafficking NPA, training for the identification of trafficked persons has been provided to law enforcement officials, police officers and social workers.<sup>63</sup> However, this training does not specifically address the identification of child trafficking and sexual exploitation.

In addition, Interpol and Europol have offered capacity building to law enforcement officials and police officers on investigating and prosecuting child pornography.<sup>64</sup>

## Child and Youth Participation

The *Child Protection Act* recognises the right of children “to engage in organisations and movements” and to participate in “child protection programmes.”<sup>65</sup> Despite these provisions, Estonia has not sufficiently developed a framework for child participation on CSEC issues in its policy-making processes.<sup>66</sup>

The main mechanisms for child participation are “councils” held at the national, regional

and local levels. These councils – funded by organisations and by the State – organise varied project-based activities.<sup>67</sup>

Also, NGOs actively engage and train young volunteers to conduct CSEC-related activities such as prevention, counselling their peers<sup>68</sup> and providing advice on planning and implementation of projects aimed at the youth.<sup>69</sup>

## Priority Actions Required

### National Plan of Action

Estonia should ensure that the *Development Plan for Reducing Violence 2010-2014* is duly funded, implemented, designed with child participation, and undergoes external evaluation. In addition, it should develop a multi-faceted strategy to address all forms of CSEC.

### Coordination and Cooperation

CSEC should be integrated in all coordination mechanisms.

Increased resources should be allocated to: the Ministry of Social Affairs as the CSEC national contact point, the new Ombudsman for Children and relevant coordination programmes.

It is urgent that the judiciary and the police strengthen bilateral and regional links, including through cooperation agreements, to facilitate the identification of victims of trafficking.

### Prevention

In-depth research should be conducted and used in programmes that target the root causes of CSEC, while social assistance for victims should be strengthened, especially in rural municipalities.

Increased cooperation is needed with the tourism industry to promote the Code of Conduct (responsible tourism with children) and with financial institutions to counter illegal

transactions. Awareness should be raised widely through the media and incorporated in school programmes.

### Protection

Estonia should ratify the *CoE's Convention on Action against Trafficking in Human Beings* and the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*.

Domestic law should criminalise “virtual” child pornography and knowingly accessing child pornography as well as punish purchasing sexual services from children above 14 years of age.

Legal measures should be taken for the ICT industry to report, block, and remove child pornography and for the tourism industry to restrain itself from facilitating child sex tourism. Investigation, prosecution and punishment of all forms of CSEC should be systematic. This includes abolishing the double criminality principle in extraterritorial legislation.

Other relevant measures against CSEC are: increasing resources for child recovery, training on CSEC for child protection workers, developing indicators for identification of CSEC, and setting up a national referral mechanism for child victims.

### Child Participation

Estonia should mainstream child participation throughout CSEC programmes. Awareness on participatory practices should target adults and professionals working with children.

## Endnotes

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- <sup>22</sup> According to a 2006 survey made by the Estonian Open Society Institute on adult sex workers and some underage girls exploited in prostitution, approximately half of the sex buyers are Estonian men, followed by Finns (23%), Russians (19%) and Swedes (2%). British bachelors were also mentioned as a separate category of sex buyers.
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- <sup>54</sup> Virtual child pornography should include computer-generated images, cartoons, drawings, videogames where no real child is involved. See: Estonian Union for Child Welfare. *Comments of Estonian organisations on implementing the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*, 2009. Accessed on 30 July 2012 from: <http://www.crin.org/resources/infoDetail.asp?ID=21161&flag=legal>.
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