



Convention on the Rights of the Child

Distr.: General
29 January 2010

Original: English

Committee on the Rights of the Child Fifty-third session

Summary record of the 1462nd (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 January 2010, at 3 p.m.

Chairperson: Ms. Lee

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (continued)

Initial report of Estonia under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/EST/1; CRC/C/OPSC/EST/Q/1 and Add.1; HRI/CORE/1/Add.50/Rev.1)

1. *At the invitation of the Chairperson, the members of the delegation of Estonia took places at the Committee table.*

2. **Mr. Kokk** (Estonia) said that, while several development plans had covered different areas related to the rights and protection of children in previous years, in 2010, work had begun to develop the Children's and Family Policy Development Plan. It would include issues related to children's rights and family welfare. The Development Plan for Tackling Violence had been introduced in 2009. It focused on preventing offences committed against and by children, domestic violence and human trafficking. The Ministry of Justice had coordinated its development, with the participation of various government agencies, non-governmental organizations (NGOs) and citizens' forums.

3. Since 2005, combating sexual offences against children had been the top criminal policy priority in his country. Measures taken in that regard had included increasing punishments for sexual offences against children, drafting legislation criminalizing grooming, introducing restrictions on working with children, and issuing restraining orders and using preventive detention where appropriate.

4. In 2010, the police was focusing on combating offences against minors and committed by minors. Emphasis had always been placed on ensuring that proceedings for offences involving minors were conducted rapidly and traumatized the children as little as possible. As of 2010, special child protection services were available in every police prefecture nationwide. Criminal proceedings involving child victims would be conducted by specially trained officials, who were qualified in the treatment of child victims of criminal offences. The police was also taking measures to help juvenile offenders reintegrate into society.

5. The spread of Internet crime, particularly the increase in the quantity and scope of problems related to the abuse of children, had made it a further priority for the police in 2010. Internet sites popular among children and therefore attractive to persons suspected of paedophilia were supervised, as were social networking sites and those used for prostitution. The main emphasis was on preventive work with children, parents and society at large. In 2009, the Estonian Union for Child Welfare in cooperation with other agencies had applied to join the European Commission's Safer Internet Programme, in order to set up a telephone hotline for reporting inappropriate Internet content and a helpline providing counselling.

6. In addition to those specific initiatives, several measures being implemented were also helping more generally to combat the sale of children, child prostitution and child pornography. The Government was cooperating with NGOs to encourage positive parenting, had conducted campaigns to promote responsible choices regarding sexual health, and had joined a Council of Europe campaign to prevent corporal punishment. The Ministry of Social Affairs had set up a national helpline for children in need of help or protection, which provided information and counselling to children and adults. Efforts were currently being made to move from project-based to more systematic and consistent preventive work, including the use of evidence-based practices, early detection and intervention principles.

7. In early 2010, a separate department for child and family policy would be created within the Ministry of Social Affairs in order to coordinate policy on child and family welfare more effectively. In 2010, it would focus on establishing the Children's and Family Policy Development Plan, improving the Child Protection Act, including enacting the prohibition of corporal punishment of children, promoting parenting skills and preventing violence against children.

8. The issue of establishing a children's ombudsman was currently under discussion. Several round-table discussions had been organized on different levels among representatives of Parliament, ministries, the Office of the Chancellor of Justice and various NGOs.

9. The Government had signed the Council of Europe Convention on Action against Trafficking in Human Beings and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which it planned to ratify. In October 2008, the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography had visited his country and made useful recommendations, which had contributed to many of the developments achieved. His Government was aware that much work remained to be done and would welcome the Committee's observations.

10. **Mr. Kotrane** (Country Rapporteur) requested clarification of which body was responsible for coordinating measures aimed at implementing the provisions of the Optional Protocol. It would be useful to learn whether there was a specific permanent mechanism in place to receive complaints from children and their families concerning violations of children's rights in general, and rights under the Optional Protocol in particular.

11. He asked whether, under the State party's criminal legislation, the definition of the sale of children included engaging a child in forced labour and acting as an intermediary for the adoption of a child in violation of applicable international legal instruments on adoption, as provided under article 3 of the Optional Protocol. The Committee would also welcome an explanation of why some activities involved in producing pornographic works were not prohibited for children aged between 14 and 18, as detailed in paragraph 67 of the State party's initial report.

12. He welcomed the fact that the sale or purchase of children by a legal person was a punishable offence. However, it was unclear whether the State party had established its jurisdiction over the offences under the Optional Protocol when the alleged offender was a national or a person who had their habitual residence in the State's territory, or when the victim was a national of the State party.

13. He asked why child witnesses over 14 years of age did not necessarily have the right to be heard in the presence of a child protection official, social worker or psychologist.

14. **Ms. Ortiz** asked what measures had been taken to prevent people from acting as intermediaries for the adoption of children in violation of applicable international legal instruments on adoption, and whether those measures had proved effective. She also wished to know what steps the State party had taken to disseminate the provisions of the Optional Protocol to the relevant authorities and to children and families in a way that was easily understandable to them.

15. **Mr. Puras** asked what lessons the State party had learned from the widely-reported case of a citizen with links to children's rights who had been convicted of sexually abusing children. It would be particularly useful to know what measures the authorities had taken to assist the children who had been the victims in that case.

16. Additional information should be provided on how vulnerable groups were identified, and how the State party addressed the root causes of the offences under the

Optional Protocol. Given the high number of children living in institutions, he asked what proactive measures were taken to protect those children from the offences under the Optional Protocol.

17. He wished to know what steps were taken to ensure that high standards were maintained and child-friendly techniques used in all cases when dealing with child victims of offences. Given the risk of the children becoming doubly victimized if they were stigmatized by the services that handled their cases, he would be interested to know what achievements and challenges the State party could report in that regard.

18. It would be interesting to know whether the State party would consider reinstating the professional speciality of child adolescent psychiatry. More generally, he asked for the delegation's comments on the competencies of all professionals who worked with children, such as the police, prosecutors, social workers and psychologists.

19. **Ms. Villarán de la Puente** requested additional details of the human and budgetary resources allocated to the prevention and punishment of the offences under the Optional Protocol. It would be particularly interesting to learn what steps were being taken to train the police to combat such offences at the local level, as recommended by the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography.

20. **Ms. Aidoo** asked whether the new department for children and families to be set up within the Ministry of Social Affairs would be in a position to cooperate on the full implementation of the Optional Protocol with other departments and ministries that in other ways might be more powerful. Secondly, she noted that there seemed to be no systematic mechanism for the collection and analysis of data specifically relating to the areas covered by the Optional Protocol and she wondered whether any study was being carried out on the sale of children, child prostitution or child sex tourism that would enable the Government to plan a strategy. In that connection, she wondered whether the Government had, or planned to establish, an overarching strategic plan covering all aspects of the Optional Protocol.

21. **Mr. Citarella** said that the State party must be careful not to confuse trafficking in human beings with the sale of children, which were two different phenomena. He asked what preventive action was taken by the Government to alert parents and social workers to the dangers of the Internet and whether the police had powers to close down any Internet site that broke the rules on child pornography and child prostitution.

22. **Mr. Gurán** requested up-to-date information on the plans for a children's ombudsman and an independent monitoring mechanism to cover all aspects of the Optional Protocol. He stressed the importance of international cooperation for the prevention of child prostitution and child pornography; such cooperation would require good contacts and exchange of information from other countries. In that connection, he wondered what action Estonia, which was a world leader in the computerization of data, intended to take on a European project established by the Swedish presidency of the European Union to tackle the dangers of the Internet for children.

23. **The Chairperson**, speaking as a member of the Committee, said that she wished to dispel the confusion concerning the minimum age of consent for participation in the manufacture of erotic material. The Optional Protocol stipulated that the minimum age was 18, not Estonia's minimum age of sexual consent. As for the institution of the Chancellor of Justice, she noted that there was no legislation specifically offering children access to a complaints mechanism. The Committee recommended that the Government should introduce a code of conduct in that regard.

The meeting was suspended from 3.55 p.m. to 4.25 p.m. to enable the Estonian delegation to consider its replies to the Committee's questions.

24. **Ms. Tikerpuu** (Estonia) said that the new department, which would be in place by the end of February 2010, would have a staff of six. Cooperation and coordination were easy in a small country, since all the relevant ministries were following the national strategy on the protection of children. The Ministry of Justice was drawing up a strategic document on combating violence against children, while other forms of protection came under the Ministry of Social Affairs. Between them, the two ministries covered every aspect of the Optional Protocol.

25. **Mr. Kokk** (Estonia) said that, whereas the Ministry of Justice was responsible for criminal law, the Ministry of Social Affairs was responsible for child protection. Clearly there was an overlap; but it was right to keep criminal law universal and not to divide it among various ministries. As for the new department, such an expansion was a rare event in Estonia, which, in preparation for joining the Eurozone in 2011, was mostly cutting down on civil service numbers. A six-person department represented a significant distribution of resources out of a total of 200–300 staff.

26. **Ms. Ploom** (Estonia) said that there was no single law dedicated to the Optional Protocol, but the Criminal Code covered all the relevant offences. Paragraph 133 (Enslavement) covered the offence of forced labour. Moreover, the Ministry of Justice was well advanced with the drafting of legislation on trafficking in human beings. As for the question on the age limit for participation in sexual performances, a bill had been submitted to parliament in December 2009 amending paragraph 177 of the Criminal Code (Use of minors in the manufacture of pornographic works) and the provision would shortly be further amended to add a paragraph entitled “Use of minors in the manufacture of erotic works”. Both paragraphs would have an age limit of 18, as stipulated by the Convention. Some exceptions would be permitted, but, even so, children under 14, or those under 18 who were particularly vulnerable, would receive special protection. With a view to acceding to the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, Estonia had also criminalized participation by minors in both pornographic and erotic performances. Such a move had been necessitated by rapid developments on the Internet, where actual sexual performances could be viewed. Estonia would also criminalize knowingly attending a pornographic or erotic performance.

27. **Mr. Kotrane** (Country Rapporteur) welcomed the fact that Estonia was amending its legislation. He suggested, however, that material featuring children under 14 should be punished more severely. He also noted that, under the Optional Protocol, the possession of material involving children was also punishable and he wondered whether a provision to that effect would be introduced by the Government.

28. **Ms. Ploom** (Estonia) said that possession was already an offence, although there was no provision explicitly relating to it. The courts and the prosecutors were well aware of government policy in that regard. She added that sexual grooming — not just online — would also be criminalized.

29. **Mr. Aru** (Estonia) gave an overview of the tasks and functioning of the institution of the Chancellor of Justice and explained that it was independent of the legislature, executive and judiciary and that it was not a political or a law enforcement body.

30. The Chancellor of Justice had not received many complaints in connection with the Optional Protocol as the majority of such complaints were dealt with by the police and the prosecutor’s office. Any complaints about child trafficking or child prostitution that the Chancellor of Justice received were forwarded to those agencies.

31. **The Chairperson** noted that it was unusual to have a representative of the ombudsperson as a member of the State party delegation and said that, if the office of the Chancellor of Justice was independent, it would be more useful if it could provide more critical, independent information to the Committee at its pre-sessional, private meeting. She

strongly encouraged the office of the Chancellor of Justice to send a report and a representative to that meeting in future.

32. **Mr. Puras** said that the Committee encouraged Estonia to create an ombudsperson for children and asked the delegation to comment further on the debate about the issue and on the advantages and disadvantages of such an institution.

33. **Ms. Ortiz** said that she was concerned that 8 per cent of the population in Estonia were stateless, as that made them more vulnerable to the exploitation covered by the Optional Protocol. She asked if the State party had considered signing the Convention relating to the Status of Stateless Persons and whether stateless persons were more vulnerable to exploitation.

34. **Mr. Kotrane** (Country Rapporteur) strongly urged the State party to establish an ombudsperson for children. He asked if tourists to Estonia were informed of the dangers of engaging in sex tourism and the sanctions that were imposed for doing so, and if the Estonian public was made aware when people were prosecuted for sex tourism. He also requested statistics on such prosecutions. Lastly, he asked for further information on the helpline and how it worked.

35. **Mr. Kokk** (Estonia) said that the State party did not use the term “stateless persons”; instead they defined such people as those who had not chosen their citizenship. He explained that people could choose to have Estonian or Russian citizenship and that those who had not made the choice were given a foreigner’s passport. As that passport allowed people to travel more easily to Russia and within Europe, some people preferred it to choosing Estonian citizenship. If the parents of children born in Estonia applied for Estonian citizenship for their child, it was granted automatically. The number of people who had not chosen their citizenship had fallen significantly over time and fewer than 1,000 of them were minors. There was no evidence that any of the children without citizenship were more vulnerable or had more problems than other children.

36. He said that they would consider involving the office of the Legal Chancellor prior to future sessions with the Committee. Estonia had a very small civil service and the Government was under pressure to reduce public spending. They were therefore hesitant to create more services. However, discussions were taking place on establishing an ombudsperson for children and he believed that it would come about eventually, although probably not within two years.

37. **Ms. Ploom** said that sex tourism was not widely discussed in Estonian society. Encouraging tourism companies to use the Global Code of Ethics for Tourism of the World Tourism Organization would be introduced into the relevant action plan in the near future.

38. The helpline had been open for a year and offered a 24-hour service, with counselling and advice given in Estonian, Russian and English. The helpline staff informed the police and local municipality about reports they received of children in danger as they did not have the resources or authority to respond to those cases. The helpline also collected the results of cases from local municipalities. She admitted that not everyone in Estonia knew about the helpline and said that awareness-raising was one of the challenges the project faced. The second campaign to inform people about the helpline had just ended.

39. Estonia had participated in the EUKidsOnline research network and, as a result, had gathered extensive information on Internet usage by children. The challenge was what to do with that information. In 2008, a network including agencies, police, NGOs, ministries, private sector companies and service providers was established to raise awareness of the dangers of the Internet and also to avoid duplication of work in that area. A website had been created that offered virtual training for parents on Internet safety, and other activities were taking place, such as consultations with children and young people on the risks they

might come across on the Internet. Awareness-raising activities would take place as part of Estonia's application for membership of the European Union Safer Internet Programme. Internet safety was also taught in IT (Information Technology) lessons in schools.

40. **Ms. Aas** said that the police had initiated a specific Internet monitoring programme, which involved daily monitoring of Estonian and Russian websites on the basis of specific words in order to follow up traffic that might be connected to child pornography. Information was then passed on to investigators. Weekly reports were produced on the findings of the programme and of the investigators. During the year that the programme had been run on a national basis, between 10 and 15 cases had been investigated, although not all of them had gone to court.

41. **Ms. Villarán de la Puente** asked, given the low number of cases in the statistics provided by the State party, whether some cases were not being reported because of mistrust of the authorities or a lack of results, or whether all cases of the sale of children, child prostitution and child pornography were really being investigated under the justice system.

42. **Ms. Aas** said that the crimes covered by the Optional Protocol were often not reported but had to be identified and investigated by the police, for example by monitoring the Internet. Public trust in the police had been quite high since 2007, so that the police sometimes received reports of serious crimes against children, but in general they had to identify cases themselves.

43. Estonia had 4,000 police officers, including 1,000 criminal police; 110 police officers were specialized in crimes committed against children. Fourteen investigators dealing exclusively with such offences worked in special units recently set up at local police stations, and another 50 police officers assigned to regional units had received some training in that area. Unfortunately, Estonia could not afford to have specialized investigators in every community. Prosecutors were given similar training.

44. **Ms. Aidoo**, noting that many cases involved girls and women, asked whether police training was gender sensitive. Commending Estonia on its effective child victim support system, she enquired whether the authorities had taken any measures to reunite child victims with their families.

45. **Ms. Aas** (Estonia) said that training did not focus specifically on gender issues, but the gender perspective was taken into account when children were interviewed and in contacts with members of the victim's family. The police and the prosecuting authorities had guidelines for dealing with minors, one section of which focused specifically on ways of helping to reunite victims with their families and reintegrating them into society. The guidelines required the police to inform social welfare and child protection agencies of cases of children who had been victims of crimes, who came from families with social problems or who experienced difficulties in school. They also covered cases in which parents were unable to take a child back.

46. **Ms. Tikerpuu** (Estonia) said that, in 2007, legislation had been amended to include family mediation as part of the victim support service. The aim of family mediation was to reunite the family, but a child victim of sexual violence could not be reunited with the family if the perpetrator was another family member. Measures were being taken to improve rehabilitation and treatment services for offenders.

47. **Mr. Kotrane** (Country Rapporteur) said that it would be useful to have some information on how Estonia cooperated with neighbouring countries on prosecuting perpetrators of offences under the Optional Protocol. He wondered whether specific measures had been taken. For example, had Estonia concluded any agreements in that regard?

48. **Mr. Kokk** (Estonia) said that cooperation between Estonia and domestic Internet providers was excellent. If the police found that inappropriate material was being displayed on a website, they closed it down. Problems arose with cross-border cybercrime. Although agreements existed, it was often very difficult to obtain information from other countries, in particular the Russian Federation. Estonia had been the target of Internet attacks in 2007, and information had repeatedly been requested from the Russian authorities, but cooperation had not always been very smooth.

49. **Ms. Tikerpuu** (Estonia) said that cooperation within the Baltic region was excellent and Estonia was a member of two working groups on children at risk. The main goal of those bodies was to tackle sexual exploitation and abuse of children, including issues involving the use of the Internet and trafficking. One initiative which had emerged from that cooperation was that the States concerned had set up contact points for unaccompanied and trafficked children in order to coordinate efforts to deal with such cases and to improve the assistance offered to victims. Measures were being taken to enhance cooperation between the police and the contact points, which sometimes did not receive timely information on trafficked children from the law enforcement authorities. The contact points had produced excellent results, however. Estonia also worked closely on issues relating to trafficking in children with Europol and Interpol, the Council of Europe and the European Union. When it joined the European Union's Safer Internet Programme, Estonia looked forward to working closely with Insafe and INHOPE. In November 2009, a conference had been held in Moscow on Internet safety. That was a positive development, since child pornography often originated in the Russian Federation.

50. **Ms. Villarán de la Puente** asked whether any cases had been opened involving offences defined under the Optional Protocol.

51. **Ms. Ploom** (Estonia) drew the previous speaker's attention to page 1 of Estonia's written replies (CRC/C/OPSC/EST/Q/1/Add.1), which contained a table with figures on offences committed between 2006 and 2008 that were of relevance to the Optional Protocol.

52. **Ms. Tikerpuu** (Estonia), referring to several questions posed on adoption, said that there were no reports of any cases of illegal adoption. Estonia complied closely with the provisions of the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption. Only three countries could currently adopt children from Estonia: the United States of America, Sweden and Finland. There were only about 20 cases of international adoption annually; most of the children concerned were older and had physical disabilities. In general, the Government sought to encourage domestic adoption.

53. Estonia was carrying out a major reform of the system of institutional support, with the goal of promoting care in a family context. A project was under way to build small family-type facilities, and legislation had introduced standards on the protection of children in institutional care. Currently, no more than eight children could be placed in a family-type home, and no more than six as from 2011. The fewer the children in a home, the easier it was to provide proper care and prevent sexual abuse by adults. Staff in such facilities received extensive training. Measures were being taken to improve the monitoring of children's rights in institutions, based on the successful experience acquired in Norway. The Criminal Code prohibited perpetrators of sexual crimes against children from working in children's institutions.

54. **Mr. Kotrane** (Country Rapporteur) said that the constructive dialogue with the delegation of Estonia testified to the State party's firm determination to implement the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

55. **Mr. Kokk** (Estonia) said that efforts to combat cybercrime involving children would be at the centre of his Government's concerns for some time to come. Estonia was determined to implement the Optional Protocol in full, and it looked forward to the Committee's comments and recommendations.

The meeting rose at 5.55 p.m.