



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined second to fourth periodic reports of Estonia

Addendum

Replies of Estonia to the list of issues*

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* The present document is being issued without formal editing.

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Answers to Part I

- 1. Please provide the Committee with information on how children's best interests were taken into consideration during the process of elaborating the new Child Protection Act and the draft law on combating the sexual abuse and sexual exploitation of children and child pornography.**

1. Children participated in new Child Protection Act development process several ways. Firstly, by school lessons, where the goal was to find a random sample of children who had not been a part of the discussion before. Children had the chance to do a creative teamwork and after that, in joint discussion think about the changes made in CPA draft and give their opinions. Secondly, the youth participated in Estonian National Youth Council's (ENL) summer camp, where they performed a mock court proceeding with CPA's new articles. The Estonian National Youth Council and the Estonian Union of Student Representatives also gave their opinions about the draft.

2. Draft law on combating the sexual abuse and sexual exploitation of children and child pornography was drafted to transpose EU Directive 2011/93/EU on combating sexual abuse and sexual exploitation of children and child pornography into Estonian national law. The preamble of the Directive describes how the children's best interests were taken into consideration during the process of elaborating this Directive and the same applies to the national draft law as well.

- 2. Please explain how the Child Protection Act defines the responsibilities of national and local authorities in guaranteeing the protection of children. Regarding the Parental Benefits Act of 2004, please describe the measures taken and the results thereof to ensure that both parents equally benefit from its provisions in practice.**

3. Child Protection Act chp.3 "Child Protection Arrangement" describes the tasks of different parties and join them as whole. To improve the national coordination, strengthen the local governments child protection work and equalize the practice among local governments, since 01.01.2016 national child protection unit launched in Social Insurance Board. Also Child Protection Committee was created, which has the assignment to strategically prioritize protection of child's rights and ensure their welfare, define the short- and long-term goals of children and family policies and make relevant political choices. State now also has an assignment to ensure the additional training for child protection workers. Local governments still have their obligation to support children and families in need and to offer them necessary measures. In addition to previously mentioned state and local governments have to co-operate cross-sector and prevent risks that might harm children. More information about CPA: <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/506052015001/consolide> (chp 3).

4. Changes in Parental Benefits Act influenced the structure of people gaining parental benefits. Before the percentage of fathers gaining parental benefit was 1-1,5%, which started to grow after the change. In 2015 percentage of fathers was 8,9%.

- 3. Please clarify how the Ministry of Social Affairs ensures effective coordination in the areas of education and health, which have their own separate strategy documents and are overseen by the ministries of education and health respectively.**

5. Fields of education and health both have their sector's development plans, which are signed by Republic of Estonian Government just as the Strategy of Children and Families 2012-2020. They all share development, coordination and reporting process, where all ministries and partners are included. Sector development plans share the logic that no actions are dubbed in different plans, but are referred to other development plans. With that

approach we ensure to have a holistic, cross-sectorial view and agreements between partners about roles and responsibilities are done.

4. In relation to access to appropriate information, please inform the Committee on measures taken, and the results thereof, to prevent children from accessing sexually related and other harmful content available in the internet.

6. Vihjeliin (www.vihjeliin.ee) is a free online service (hotline) of the Estonian Union for Child Welfare which enables Internet users to provide information about material being distributed online which depicts illegal content – the sexual abuse or exploitation of minors and child trafficking. Information can be submitted anonymously; your personal details are not investigated or recorded.

7. Material depicting the sexual exploitation of minors and its distribution, use and production violate the rights, dignity and physical inviolability of the child victims it involves.

8. Material distributed on the Internet which presents minors in a sexual or erotic context is often designed to encourage people with an unhealthy sexual interest in children to make contact with clandestine communities whose members use materials that violate the right to sexual self-determination of minors to satisfy their own perverse fantasies. Herein lies a risk of the fantasy being enacted in reality – resulting in the direct physical abuse of minors. One of the aims of Vihjeliin is to stop such offences being committed.

9. Both Child Helpline 116 111 and “Vihjeliin” are a part of a pan-European Safer Internet Centre project and members of InSafe and InHope.

5. With reference to age of marriage, set at 15, please provide information on whether the State party envisages raising it to 18 in all circumstances.

10. According to the Estonian Family Law Act the court is able to extend the active legal capacity of a person who is at least 15 years old for the performance of acts required for the contraction of marriage and for the exercise of rights and obligations related to marriage. The roots of such a regulation lie in the recent history of Estonia, where it was first introduced for the sake of underage girls who were expecting or already raising a child as single mothers. In other words, its purpose was to grant both the underage mother and her child the possibility of a family and to protect them from a possible social exclusion. Although times have changed, this exception has grown accustomed to our legal system. Nevertheless, due to the criticism Estonia has received for such a regulation, the legislator back in 2013 discussed a possibility of raising the age limit to 18 at all circumstances. Such an initiative, however, received negative feedback from the interest groups. It was pointed out that the main idea should be to consider the interests of the minor and her child and the right to be born into a family with two married parents.

11. Taking into account the feedback received and the fact that such an extension of active legal capacity is ruled only in exceptional cases where the court has done a thorough evaluation of the minor and the situation the minor is in and also taken into account the opinion of the minor’s parents and the local government’s competent officials, we see no legal nor social problem with the current regulation. The court shall extend a minor’s active legal capacity for the contraction of marriage only in cases where it is necessary on the basis of a minor’s interests and where the minor’s level of development allows it. Such point is also proven by the statistical numbers: in the period of 2014-2015 there were only 5 marriages a year (10 marriages total) where one or both of the partners were under 18.

- 6. In relation to the information provided in paragraph 327 of the State party report, please provide information on the main findings of the various surveys and the measures taken to address such findings. Please elaborate on the measures taken to promote the rights of children with disabilities to adequate healthcare and inclusive education.**

12. Studies showed that almost half of the parents with disabled children have experienced problems reaching to social services and in one third of the families some member of the household had to change their work form or place to help the disabled child. Since 2015 the European Social Fund supports the parents of disabled children and finances the services of support person, childcare and social transportation with up to 4918 EUR per year (402 EUR before). The goal is to reduce the parental burden of care and to develop an operative network of supportive services.

13. After publishing the State Report we renewed the nature and demanding's of school health system: in 2010 Minister of Social Affairs signed the regulation nr 54 "Actions of Nurse offering the service of School Health and demanding's for the nurse's time, content, reachability and location". Since 2014 we are developing the treatment guide for untimely birth and untimely newborn's perinatal period which completes in the end of 2016. The health control guide for 0-18 year old children is being renewed in 2016 together with specialists.

- 7. Please inform the Committee how reproductive health, responsible parenthood and the prevention of sexually transmitted diseases have been integrated in the new basic school and upper secondary school curricula.**

14. Both the basic school and upper secondary curricula prescribe that the topic Health and Safety needs to be addressed as a cross-cutting theme. Cross-cutting themes must be integrated into all subjects with due consideration given to the content and goals of such themes in developing the spiritual, social and physical learning environment of the school, in selecting elective subjects and planning extracurricular activities. Studies may also be organised in an integrated way based on this theme.

15. The national basic school curriculum contains as a separate subject human studies where the second and third stages of study also deal with the topics of sexuality and reproduction. The curriculum specifies themes connected with sexually transmitted diseases, principles of safe sexual behaviour, responsibility in sexual relations, sexual maturity, human rights related to sexuality, etc. In the upper secondary school, the human studies are represented in the course Training in Parental Skills during which the key issues related to family, starting of family and raising children, including the key issues in the development of a child and the role of a parent in raising a child, are addressed. Emphasis is on trust, the importance of personal choices, safety and other aspects related to attitudes and values.

- 8. In relation to the information provided in paragraph 510 of the State party report, please update the Committee with information on measures taken to address suicide rates among children. Please provide information on the legal framework regulating the rehabilitation services for children with addiction problems and how the best interests of the child, her or his rights to privacy, and the right to education are respected.**

16. One aim of the programme "Public Health Initiatives" is to increase the accessibility of mental health services all over Estonia. More information about the programme is available: <https://www.sm.ee/et/public-health-initiatives>. As a part of the programme Children's Mental Health Centres across Estonia are opened and more services and support for depressed children is available. As we know, many suicidal children have been victims

of mental and physical abuse. Starting from 2017 Ministry of Social Affairs has the plan to re-organize the victim support system so the psychological help would be more versatile for (underage) victim's needs. In 2017 the Barnahus-system pilot project launches, so more underage victims of violence could reach for justice and mental health services.

17. New Child Protection act § 36 foresees every child's right in every child care institution (including, but not limited to the ones that deprive a child of their liberty) to submit opinions and complaints. A child staying in a child care institution has a right, independent of anyone, to contact the person raising the child, the child protection official of the local government of the child's residence entered in the population register, and the Chancellor of Justice and to submit opinions and complaints thereto concerning the activity of the child care institution. A child care institution shall create conditions which help to ensure this right. 4) A child care institution shall not disclose the identity of the child having submitted an opinion or complaint about the child care institution or the fact of submission of complaint, except for in proceedings of an offence. In addition, the child has a right to submit complaints and opinions to the institution itself, in response to which the institution has an obligation to give immediate feedback to the child.

9. Please provide the Committee with information on the results of short-term measures aimed at increasing employment and alleviate poverty of children of families where no members work and their impact on child poverty. Please provide information on the measures taken and envisaged to address child poverty, including a comprehensive strategy, in particular in rural areas and in the north-east of the country.

18. As the main measures to ease and prevent family's poverty risk are work and secure income, it is important to offer services, which support participating in employment. Main employment services also help parents whose data about family background is unknown but who are registered as unemployed. If a registered unemployed is also a custodian and/or a parent, who has difficulties finding a proper work or participating in employment services because of their burden of care, Estonian Unemployment Insurance Fund also supports with the reimbursement of childcare or attendant. In 2012 there were 165 reimbursements; in 2013 – 186; in 2014 – 127 and in 2015 – 90.

19. With the help of European Globalisation Adjustment Fund there is a plan to offer services to all people, including many parents, who lost their work during massive redundancies in Ida-Virumaa (North-East of Estonia). In 2016-2018 we plan to offer formal study, labour market service, mobility support, reimbursement of qualification raising fees and for employers the support for creating new working positions in Ida-Virumaa. These services in interaction ease the financial situation of unemployed people, including people with parental responsibilities, and prevent families from poverty risk.

20. The subsistence level was raised in 2014 to 90 euros and in 2016 to 130 euros per month. As of 2015 the subsistence level for underage children was equalized with the subsistence level of first member of the family. The subsistence level of second and each following adult member of the family continues to be 80% of the subsistence level of the first member of the family.

21. As of July 2013 needs-based family benefit is granted to families with children whose income is below the relative poverty threshold (as last published by the Statistics Estonia). In July 2013 – Dec 2014 the monthly amount of needs-based family benefit was 9,59 Euros for families with one child receiving child allowance, and 19,18 Euros for families with at least two children receiving child allowance. As of 2015 the amounts of needs-based family benefit have been raised to 45 euros and 90 euros respectively.

22. Monthly child support for the first and second child rose from 19,18 EUR (in 2013) up to 50 EUR (in 2016) and for the third child from 76,7 EUR up to 100 EUR. Government

approved the future rise of child support to 55 EUR in 2018 and 60 EUR in 2019. In 2017 there will be additional support for large families 200 EUR for three and more children and Maintenance Allowance Fund activates.

23. Maintenance Allowance Fund starts supporting the child with 100 EUR per month if one parent, who is obligated to pay maintenance allowance, has not done that. The state enforces prepaid allowance from allowance debtor.

24. Since 2016 the state has widened the circle of home support for large family receivers. As a result in addition to families with 4 and more children also families with 3 children are able to receive support. Maximum support in 2015 was 7000 EUR but from 2016 it is 8000 and in some cases 14 000 EUR.

25. To secure kindergarten- and childcare spots State supports with the support of European Social Fund in the period of 2014-2020 local government with creating 3200 new spots. In 2015, with the support of ESF 568 new spots were created.

26. In 2015 Government approved the Green Paper of Family Benefits, Services and Parental Leaves where on goal was to thoroughly analyse child poverty and propose political measures to ease poverty. Political changes described in that document are partly implemented (rise of subsistence allowance and family support), additional activities will be integrated to the Strategy of Children and Families.

10. Please provide information on the mechanisms available to children deprived of their liberty to report human rights abuses and violations.

27. See the answer above, question/answer no 8.

28. Also: All children who are suspects or accused in criminal proceedings (even if their liberty is not being deprived) have a defence lawyer present in and during all procedural acts, both in pre-trial and in trial phase of the proceedings. Presence of the defence lawyer is compulsory and the child cannot refuse to have a defence lawyer. The lawyer has to report any human rights abuses and violations.

29. According to the Code of Criminal Proceedings, all suspects and accused have (among other rights, also) right to submit requests and complaints (§ 34 (1) point 8) and confer with the defence lawyer without the presence of other persons (§ 34 (1) point 4).

30. Also, according to the Code of Criminal Proceedings (§ 228-232) there is a possibility to file an appeal (complaint) against activities of the investigative body or the prosecutor's office if a person (or his/her lawyer) finds that violation of the procedural requirements in the performance of the procedural act or preparation of the order has resulted in the violation of his or her rights.

11. Please provide information on the situation of unaccompanied children and children with families in the Expulsion Centre of the Police and Border Guard Board. Please clarify how detention of children is only used as a last resort and for the shortest time possible, and the measures taken to implement the recommendations made by the Chancellor of Justice in 2013 to improve the conditions for children in the Expulsion Centre.

31. Unaccompanied children are not placed into the Detention Centre of Police and Border Guard Board. Unaccompanied children are handed over to open child care facilities. Children with families can be placed to the Detention Centre but this measure is seldom used. Every person placed in Detention Centre goes through a judicial review which means that there has to be a permission from an administrative court in order to place a person into the Detention Centre. This ensure that detention of every third country national including families with children is proportionate and necessary measure.

32. In Estonia, there is a child helpline service number 116111 and Anti-trafficking Hotline (+372 660 7320) counselling services, trainings for professionals and human trafficking prevention among vulnerable population groups. The Anti-trafficking Hotline is managed by NGO Living for Tomorrow. If NGO has information about human trafficking cases where children are involved they direct the victim to the police. In the Police forces we have specialized investigators who handle cases regarding children.

33. Victims of trafficking in human beings are granted victim support services. They are also released from the Detention Centre. The provision of victim support services includes:

- Counselling of victims;
- Assisting victims in communicating with state and local government authorities and legal persons;
- Ensuring safe accommodation;
- Ensuring catering;
- Ensuring access to necessary health services;
- Providing necessary material assistance;
- Providing necessary psychological assistance;
- Enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services;
- Providing other services necessary for physical and psycho-social rehabilitation of victims.

12. **Please clarify how the requirement to file a police report for presumed victims to receive State support ensures the protection of child victims. Please provide information on the handling of cases involving children received by the anti-trafficking hotline. Please inform the Committee on the measures taken to ensure the protection of potential trafficking victims detained in deportation centres.**

34. See the answer above, question/answer no. 11.

13. **With reference to the Committee's previous recommendations on the Optional protocol on the sale of children, child prostitution and child pornography(CRC/C/OPSC/EST/CO/1 of January 2010), please provide the Committee with information on:**

(a) **Development and implementation of a comprehensive and systematic mechanism of disaggregated data collection, analysis and monitoring of all the areas covered by the Optional Protocol;**

35. We have a system of e-files that brings the entire proceedings information – beginning from the registration of a crime until the enforcement of a court judgement – under one umbrella. Therefore, we have a functioning system of collecting data for incidents registered on the basis of the necessary elements of a criminal offence. The course of proceedings can be traced for each crime. Disaggregated data are available for suspects: age, sex, nationality, language, employment, etc. As regards the victims, their age, sex, and nationality can be traced. Moreover, it is possible to gather overviews of the motives, crime scenes and the like although this type of information is not always registered since it is not always relevant for the proceeding. With a view to avoiding this, instructions are prepared for case handlers, the importance of adding data is spoken about at training courses. If necessary, all kinds of analyses can be made on the basis of such metadata. The analytical service of the Department of Criminal Policies of the Ministry of Justice conducts, where

relevant, different analyses and studies of criminal proceedings, penal policies, crime prevention (in general, criminal policies).

(b) Measures taken to extend the limitation period to cover all offences under the Optional Protocol and to abolish the requirement of dual criminality for domestic prosecution and/or extradition of individuals accused of crimes committed abroad, and establish it as a rule and not as an exception according to article 8 of the Penal Code;

36. Estonia is analysing the possibilities to extend the limitation period for some of the offences of the Penal Code. Article 8 of the Penal Code was amended in 2013 and the new wording of the Art 8 establishes the following:

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

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

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

(c) How child victims of offences under the Optional Protocol have benefited from protection measures, including legal counsel during criminal proceedings, access to residence permits, social-psychological support and compensation.

37. Pursuant to §41 (31) of the Code of Criminal Procedure sets forth legal aid ensured by the state to minor victims under certain circumstances, and the Victim Support Act prescribes access to victim support services. Apparently, the assistance of a lawyer has not been designated for any number of people since the act entered into force only in mid-January and it was only then that the Social Insurance Board started to collect victim support statistics.

Additional information regarding Optional Protocol

38. Estonia has criminalized all child pornography offences established in UN Convention on the Rights of the Child's second facultative protocol (art 2-3). Offences are covered with § 175, 178 and 179 in the Penal Code. It is also important to mark the criminalization of grooming in § 178¹ of the Penal Code. Articles 133, § 145¹ and § 175¹ of the Penal Code are relevant as well. Some of these provisions are new and all others got amended in 2013.

39. According to Estonian Penal law, the offences of child pornography are substantially wider and more criminalizing than facultative protocol demands. For example in Estonia there is no need to prove that pornographic product featuring a child was produced for sexual purpose; actually non-existent children are involved etc. In all child pornography offences, age limit of the protected child is always 18 years.

40. Facultative protocol does not require states to criminalize offences regarding child erotica. At the same time Estonia wishes to protect children more and because of that has used a wider approach than many other states.

41. Unfortunately a misunderstanding has occurred regarding child-erotica, which we would like to explain in order to clear this misapprehension.

42. Firstly, please note that § 177 of the Penal Code is not valid anymore. It has been repealed since 14.04.2012.

43. Current wording of the § 178 (1) of the Penal Code states that manufacture, acquisition or storing, handing over, displaying or making available to another person in

any other manner of pictures, writings or other works or reproductions of works depicting a person of less than eighteen years of age in a pornographic situation, or a person of less than fourteen years of age in a pornographic or erotic situation, is punishable by a pecuniary punishment or up to three years' imprisonment.

44. But this does not mean that children 14-18 years of age can be used in child-erotic materials. This means that we do not want to criminalize the situations where children 14-18 years of age take their own pictures or ask their friend to take their picture where they are, for example, in a provocative pose. In Estonia erotic materials doesn't even have to consist any nudity, it can just be a sensual or a provocative pose. We feel that this kind of interaction between ages 14-18 can be a part of their sexual development and shouldn't be punished. So, we do not want to criminalize 100% voluntary actions which do not consist any outside influence.

45. But if there is some sort of influence to the child between 14-18 years of age, then child-erotica is criminalized and then the age limit is 18 years of age for all the acts. Art 175 of the Penal Code clearly states that:

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

(1) Influencing of a person of less than eighteen years of age in order to cause him or her to commence or continue commission of a criminal offence, begging, engagement in prostitution or working under unusual conditions or to appear as a model or actor in the manufacture of a pornographic or erotic performance or work, but it does not contain the necessary elements of an offence provided for in § 133 of this Code, and a person aiding in other manner in the activities specified in this section of a person of less than eighteen years of age, is punishable by two to ten years' imprisonment.

If violence, force, threats etc. are involved then § 133 applies also in the case of child erotica and once again, the age limit is 18 years of age.

46. Art 133 of the Penal Code clearly states that:

§ 133. Trafficking in human beings

(1) Placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by one to seven years' imprisonment.

(2) The same act if:

1) committed against two or more persons;

2) committed against a person of less than eighteen years of age;

3) committed against a person in a helpless situation;

4) committed in a torturous or cruel manner;

5) serious health damage is caused thereby;

6) danger to life is caused thereby;

7) committed by a group;

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

8) committed by taking advantage of official position;

9) serious consequences are caused thereby;

10) committed by a person who has previously committed a criminal offence provided for in this section or §§ 133¹, 133², 133³ or 175; is punishable by three to fifteen years' imprisonment. [RT I, 13.12.2013, 5 - entry into force 23.12.2013].

47. With previously named steps Estonia has done more for protecting children than facultative protocol demands. And we can conclude that with any type of influence, the age limit of using children in erotic materials is 18 years of age (in another words: if the child is under 18 years of age, these actions are criminalised).

48. When materials contain full nudity, it is considered to be a child-pornographic material, not a child-erotic material.

49. Full text of Estonian Penal Code in English: <https://www.riigiteataja.ee/en/eli/523122015005/consolide>

Answers to Part II. Additional questions

The new Child Protection Act

50. In 2016 new Child Protection Act passed into law. The most important directions to make existing system more effective are to prevent risks that influence children and families, early intervention, fast and effective help for child in need; raising the state support to local government for their assignments regarding child protection and raising the quality of local level child protection work.

The new law on combating the sexual abuse and sexual exploitation of children and child pornography; and the text of the amendments to the Penal Code to define the offenses in the Optional Protocol

51. The Penal Code is available online: <https://www.riigiteataja.ee/en/eli/521082014001/consolide>.

The Parental Benefit Act

52. In 2013 Government approved the draft of changing the Parental Benefit Act. With that draft we are promoting working during parental benefit period with ensuring always a larger income while working. With renewing the Act the formula for calculating parental benefit was changed, so that for the receiver of the benefit in any matter remains the parental benefit on the amount of benefit's rate.

The Juvenile Sanction Act

53. In light of the new Child Protection Act that entered into force in 2016, the Juvenile Sanction Act has been freshly analysed and there are currently developments underway to abolish the Juvenile Sanctions act, and instead guarantee a more child-friendly system, which would be more in line with CRC general comment nr 10 and other pivotal international guidelines. The legal changes will be made with 3 main strategic approaches in mind: 1) minimal intervention in low-risk cases (swift and child-friendly non-punitive responses by the police, i.e. police diversion); 2) a strong emphasis on restorative justice - mediation and repairing harm; 3) guaranteeing that every offending child whose offending behaviour is merely a symptom of deeper underlying needs, receives help from the social and health systems on equal basis with other children in need, without being stigmatised or labelled as a juvenile delinquent.

54. New amendments to the **Victim Support Act** have been introduced and will enter into force on the 1st of January 2017. Namely, victims of child sexual abuse will be entitled to victim support services (crisis counselling, safe accommodation, translation etc.) for up to 60 days without having to report the incident to the police and also for up to 60 days after the authorities have made the decision not to start a criminal investigation. It is necessary to expand the right to victim support services to be able to assess every child's individual situation and the child's best interest.

55. In 01.10.2015 the change of **Family Law Act** passed into law. Now also a child, who as a grown up gains higher education or vocational training is obligated to receive maintenance, but not after 21 years of age.

Social Welfare Act

56. On 1 January 2016, §129 (1) of the Social Welfare Act was amended and a person who has the right of custody over a child or a caregiver have the right to receive the state-funded childcare service if:

- 1) The child has a severe or profound disability;
- 2) The child is in need of care services according to the rehabilitation plan;
- 3) The need of the child for care services is not satisfied by other social services;
- 4) The childcare service is provided at the latest in the calendar year during which the child attains 18 years of age. Local self-governments continue to make referrals and organise funding.

New institutions (and their mandates) or institutional reforms

57. In the framework of the EMP financial mechanism programme Public Health Initiatives it is contributed to the development of the mental health of children. Within the programme four centres for the mental health of children will be set up in the areas of Tallinn, South-Estonia, West-Estonia, and Ida-Viru County. The number of beds available for inpatient services will increase, new services will be provided for children and families, and new treatment methods will be piloted to provide mental health services at the location of those that need help.

58. The recent Child Protection Act restructures the organisation of child protection: a child protection unit was set up under the Social Insurance Board to support local self-governments in resolving complicated cases. Since early 2016, the unit also deals with international adoptions. Furthermore, the Child Protection Council was set up, tasked with defining the goals of the national child protection policy and coordinating the actions needed to achieve the goals, submitting proposals to the Government of the Republic and other relevant institutions related to ensuring of the welfare of children and protection of the rights of children, and making relevant recommendations for cross-sectoral child protection preventive actions.

59. In 2014, the pan-Estonian network of Pathfinder centres started to work with 16 centres and a development centre of the sector. The centres provide free integrated study and career advice to children and young people aged between 1.5 and 26 years.

Recently introduced policies, programmes and action plans and their scope and financing and recent ratifications of human rights instruments

60. Ratification of the **COE THB convention** entered into force on the 1.06.2015.

61. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (**CETS 201**) was signed on 17.09.2008 and is being ratified in 2016.

62. We have new national strategy for preventing violence for the years 2015-2020, it may be found in English in here: <https://www.kriminaalpoliitika.rik.ee/et/strategy-preventing-violence-2015-2020>. The **Strategy for Preventing Violence in 2015–2020** addresses violence between persons and does not discuss violence against oneself or collective violence. The Strategy encompasses violence between children, abuse of children, domestic violence (intimate partner violence), sexual violence and trafficking in human beings.

63. **Amendments to the Penal Code** about criminalization of the purchase of sexual services from THB victims are in preparation in Ministry of Justice and the draft legislation for the new changes will be sent to the government approval in spring, after that to the Parliament.

64. **Amendments to the Victim Support Act** include also identification of THB victims and guaranteeing help for the presumed victims without the criminal investigation are in preparation in Ministry of Social Affairs and they will be sent to the government approval in spring and after that to the Parliament.

Disabled child support services development

65. Ministry of Social Affairs has set the objective for the years 2015 to 2020 to ensure equal opportunities for parents of children with severe or profound disabilities to participate in labour market. The target group is high-maintenance with severe and profound disabilities aged 0-17 and their parents, support service providers, employers, employees, disabled people's organizations, policy makers etc.

66. During six years European Social Fund funding (37 million euros) is helping us to develop and offer transport service, childcare and support persons for children with severe and profound disabilities. At the end of the 2015 we started to offer childcare service, support person service and transportation. The aim of the program is to restructure current system and reduce the maintenance burden of parents of children with disabilities.

Improving the quality of substitute care

67. Ministry of Social Affairs has set the objective for the years 2015 to 2020 to ensure equal opportunities of labour market participation. The aim is an increased labour market participation or improved coping of people with special needs, care burden or coping difficulties who have received welfare services.

68. The target group of this activity are young people who are leaving or has left substitute care, substitute care providers and substitute care professionals in the field of local and county level. European Social Fund funding (6 million euros) helps to increase the number of family-based substitute care providers, also to enhance the quality of substitute care and to develop the support services of the substitute care and aftercare. Various activities are planned. First of all substitute care system and financing analysis will be made to identify long-term sustainable schemes that contribute to raising the quality of substitute care. We will analyse system of financing, coordination and management of the alternative care services, wellbeing of youngsters raised in alternative care, training for foster/substitute families and care givers in residential care. Different trainings will be provided (i.e. training for family-based care providers, training for substitute care providers and for substitute care workers etc.). Then, substitute care support service development is planned and secondly, development of after-care is in focus, too. We would like to develop and offer support services for foster/ substitute families and for youngsters who are leaving

from alternative care. The activities will be carried out in collaboration with National Institute for Health Development and with Social Insurance Board.

Part III. Data, statistics and other information

1. Please provide consolidated budget information for the last three years on budget lines regarding children and social and justice sectors, by indicating the percentage of each budget line in terms of the total national budget and gross national product, and geographic allocation.

69. The social protection expenditure of Estonia is available at <http://appsso.eurostat.ec.europa.eu/nui/show.do> (Social protection benefits). Family and Children. ESSPROS (The European System of Integrated Social Protection Statistics). The total social protection expenditure on children and families is by definition monetary or nonmonetary aid (except medical aid) in connection with the costs of pregnancy, birth giving, adoption, raising children and caring for a family member.

70. Comparison between the social protection expenditure and the GDP can be found at: <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcod e=tps00098>.

71. We can present the statistics that we have gathered nationally. There is no information on the socio-economic background and nationality of adopted children. Population density is the factor that affects the number of children separated from their family most.

Table
Family benefits in Estonia 2000-2015

	<i>Expenditure on family benefits and parental benefit, thousand EUR</i>	<i>Percentage of family benefits and parental benefit in GDP, %</i>	<i>Percentage of family benefits and parental benefit in the state budget, %</i>
2000	84173	1,37	4,65
2001	84183	1,21	4,43
2002	89181	1,15	4,15
2003	88326	1,01	3,60
2004	134599	1,39	4,68
2005	140334	1,25	4,16
2006	162436	1,20	3,93
2007	178350	1,10	3,67
2008	228622	1,38	4,00
2009	254083	1,79	4,55
2010	274389	1,86	4,90
2011	272105	1,64	4,41
2012	256913	1,43	3,97
2013	256165	1,35	3,31
2014	265435	1,33	3,42
2015	358458		4,30

Source: Estonian Social Insurance Board.

2. Please provide data disaggregated by age, sex, socio-economic background, national origin and geographical location regarding the situation of children deprived of a family environment, covering the past three years, on the number of children:
- (a) Separated from their parents;
 - (b) Placed in institutions;
 - (c) Placed with foster families;
 - (d) Adopted domestically or through inter-country adoptions.

Table
Children registered by the system and separated from family, breakdown by counties, 2012-2015

	2012	2013	2014	2015
Total Estonia				
Children registered by the system during the year	3257	3826	4501	4186
of them children registered for the first time	2806	3190	3556	3220
Children separated from family during the year	371	436	382	380
Harju County				
Children registered during the year	1955	2101	2433	1989
of them children registered for the first time	1728	1782	2102	1688
Children separated from family during the year incl. Tallinn	172	142	106	140
Children registered during the year	1612	1696	1828	1630
of them children registered for the first time	1448	1460	1599	1426
Children separated from family during the year	133	115	85	115
Hiiu County				
Children registered during the year	27	27	13	26
of them children registered for the first time	26	26	9	22
Children separated from family during the year	1	0	1	0
Ida-Viru County				
Children registered during the year	246	242	354	214
of them children registered for the first time	178	198	307	163
Children separated from family during the year	55	125	116	94
Jõgeva County				
Children registered during the year	165	121	70	246
of them children registered for the first time	152	95	64	195
Children separated from family during the year	11	13	7	9
Järva County				
Children registered during the year	20	166	119	134
of them children registered for the first time	15	127	107	110
Children separated from family during the year	10	3	1	8

	2012	2013	2014	2015
Lääne County				
Children registered during the year	67	58	58	79
of them children registered for the first time	58	40	44	45
Children separated from family during the year	3	7	9	9
Lääne-Viru County				
Children registered during the year	118	152	96	117
of them children registered for the first time	95	130	72	82
Children separated from family during the year	23	16	15	23
Põlva County				
Children registered during the year	58	148	127	175
of them children registered for the first time	53	130	81	105
Children separated from family during the year	8	5	13	17
Pärnu County				
Children registered during the year	57	161	321	406
of them children registered for the first time	41	123	202	182
Children separated from family during the year	21	15	11	10
Rapla County				
Children registered during the year	130	158	103	142
of them children registered for the first time	127	102	95	77
Children separated from family during the year	12	25	13	19
Saare County				
Children registered during the year	95	68	82	124
of them children registered for the first time	69	51	62	122
Children separated from family during the year	1	1	2	2
Tartu County				
Children registered during the year	39	43	108	156
of them children registered for the first time	27	39	61	121
Children separated from family during the year	16	38	55	29
Valga County				
Children registered during the year	43	60	41	30
of them children registered for the first time	34	56	38	30
Children separated from family during the year	17	11	10	10
Viljandi County				
Children registered during the year	157	248	486	237
of them children registered for the first time	130	226	234	185
Children separated from family during the year	11	19	16	6
Võru County				
Children registered during the year	80	73	90	111
of them children registered for the first time	73	65	78	93
Children separated from family during the year	10	16	7	4

Table
Registered and separated from family children (during the year) and placement of children separated from family, 2012-2015

	2012	2013	2014	2015
Total Estonia				
Registered children (during the year)	3257	3826	4501	4186
boys	1719	2035	2466	2225
girls	1538	1791	2035	1961
of them children registered for the first time	0	0	0	3220
boys				1695
girls				1525
Children separated from family (during the year)	371	436	382	380
boys	174	225	202	189
girls	197	211	180	191
Placement of children separated from family (as at the end of the year: the most recent placement)*				
to substitute homes	134	130	134	171
to in-family substitute care (custody, care in families, adoption)	175	174	137	121
to the shelter	58	70	69	79
back to the biological family	43	91	112	77

* The number of placed children is higher than the number of children separated from the family as for placements those children are included who have been separated from the family a year before and have been temporarily placed with a shelter.

Table
Number of foster families and trainings, number of children taken into care in families during the year and number of children being cared for in families as at the end of the year, 2011-2014

	2011	2012	2013	2014
Children taken in care in families during the year	109	85	80	73
As at the end of the year: children taken care of in families	329	254	226	216
As at the end of the year: number of foster families	263	195	172	161
Number of foster families that have completed the PRIDE training	172	140	129	121
of them foster families that have completed continuation training	32	40	40	43
Number of foster families that have completed care supporting training (except PRIDE)	21	18	29	25

Source: Welfare statistics of the Ministry of Social Affairs.

3. Please provide data, disaggregated by sex, type of disability, national origin and geographical location, for the past three years, on the number of children with disabilities:

- (a) **Living with their families;**
- (b) **In institutions;**

- (c) **Attending regular primary schools;**
- (d) **Attending regular secondary schools;**
- (e) **Attending special schools;**
- (f) **Out of school;**
- (g) **Abandoned by their families.**

Table
Children (0-17 years) with determined disability: Age and Geographical location

<i>County</i>	<i>0-6 years</i>		<i>7-15 years</i>		<i>16-17 years</i>		<i>All</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
Tallinn	517	310	906	473	87	62	2355
Harju county without Tallinn	198	104	462	217	38	38	1057
Hiiu county	9	7	21	14	4	1	56
Ida-Viru county	411	217	909	564	66	46	2213
Jõgeva county	59	36	177	105	24	23	424
Järva county	67	44	155	102	21	18	407
Lääne county	22	19	58	42	14	3	158
Lääne-Viru county	77	41	250	128	33	18	547
Põlva county	60	39	186	109	20	19	433
Pärnu county	80	60	225	131	34	24	554
Rapla county	44	19	108	64	10	13	258
Saare county	36	14	102	65	13	10	240
Tartu county	389	202	725	394	93	41	1844
Valga county	67	45	166	104	17	18	417
Viljandi county	86	47	263	167	35	29	627
Võru county	64	39	149	104	14	15	385
Not from Estonia	9	6	29	8		1	53
Summary	2195	1249	4891	2791	523	379	12028

Table
Children (0–17 years) with determined Degree of severity of Disability by Dominant Disability type and Age

<i>Type of dominant disability</i>	<i>0-2 y</i>	<i>3-6 y</i>	<i>7-12 y</i>	<i>13-14 y</i>	<i>15y</i>	<i>16-17y</i>	<i>All</i>
Speech and Language d.	9	581	339	25	6	4	964
Hearing d.	32	47	92	37	22	27	257
Physical d.	84	196	333	148	60	70	891
Multiple d.	126	846	1687	491	218	244	3612
Other	271	1088	1889	524	282	161	4215
Blindness or low vision	3	28	74	27	13	14	159
Psychiatric d.	2	123	762	314	148	242	1591
Mental d.		8	92	61	38	140	339
Summary	527	2917	5268	1627	787	902	12028

Table
Children in substitute care service, also with disability 2010-2014

	2010	2011	2012	2013	2014	2015
0-2 y	55	57	48	41	39	45
3-6 y	120	126	113	121	120	119
7-12 y		324	300	280	283	290
13-17 y	738	409	396	410	419	418
18 y	238	198	191	174	148	159
All	1151	1114	1048	1026	1009	1031
boys %	58%	58%	58%	58%	58%	56%
girls %	42%	42%	42%	42%	42%	44%
Children with disabilities						
Mild d.	50	50	61	52	55	38
Moderate d.	229	250	249	260	264	286
Severe d.	147	146	127	122	106	91
All disabled children	426	446	437	434	425	415

Table
Children in substitute care service: institution-based and family-based, 2010-2015

	2010	2011	2012	2013	2014	2015
Institutionally/substitute home facility %	40,4%	40,8%	40,0%	39,7%	39,5%	41,0%
Family-based substitute care %	59,6%	59,2%	60,0%	60,3%	60,5%	59,0%
Boys						
Institutionally/ substitute home facility %	44,5%	44,3%	44,3%	42,7%	42,8%	43,2%
Family-based substitute care %	55,5%	55,7%	55,7%	57,3%	57,2%	56,8%
Girls						
Institutionally/ substitute home facility %	35,7%	36,9%	35,3%	36,3%	35,7%	38,5%
Family-based substitute care %	64,3%	63,1%	64,7%	63,7%	64,3%	61,5%

Table
Children in state welfare system

	2011	2012	2013	2014
As at the end of the year: total number of children in substitute homes	1167	1096	1071	1056
Number of children in the system based on the parents' application (severe and profound disabilities)	53	48	45	47
Number of children in the state welfare system	1114	1048	1026	1009
in the state welfare system, medium disability	50	61	52	55
in the state welfare system, severe disability	250	249	260	264
in the state welfare system, profound disability	146	127	122	106
Disabled children in the state welfare system	446	437	434	425

Source: Welfare statistics of the Ministry of Social Affairs.

4. Please provide detailed and disaggregated information, for the last three years, on the complaints received by the Ombudsman for Children, including how many led to investigations and prosecutions and the number and type of convictions applied to perpetrators.

72. Chancellor of Justice cannot accuse anyone or be a part of a proceeding. If they notice as a part of their work that there is a case with crime characteristics, they transmit it to Prosecutor's Office.

73. Chancellor of Justice has the possibility to make a proposal to eliminate the violation against child's rights, but the coercive measures are absent in contrast to court proceedings.

Proceedings regarding child's rights:

2013 – 133 proceedings;

2014 – 135 proceedings;

2015 – 153 proceedings.

Children's appeals:

2013 – 6;

2014 – 8;

2015 – 6.

74. In addition to children's appeals Ombudsman's staff members always discuss children's situation with themselves as they go to their control-visits to the institutions.

75. Only in cases where the reason of an infringement is an anti-constitutional legal provision, the Chancellor of Justice may, in the constitutional review proceedings, table a proposal to Riigikogu (Parliament) to bring the provision in line with the Constitution and if Riigikogu (Parliament) does not do this, the Chancellor of Justice may apply to the Supreme Court to have the provision declared anti-constitutional.

76. The Web site of the Chancellor of Justice helps clarify the competences of the Chancellor of Justice, as does the children ombudsman's Web site with necessary information available in English: www.lasteombudsman.ee.

<i>Row tabs</i>	<i>Census from the total amounts of The Rights of Children 2013</i>
Yes	133
E - Opinion regarding the draft Act	7
E - Non-initiation of disciplinary proceedings against a judge	1
E - Reply to a written question of a Riigikogu member	1
F - Forwarding in keeping with competences	5
F - Clarification of the reasons of dismissal of review	72
F - Acknowledged	3
Other	6
N - Memorandum to the executive power to initiate a draft act	1
N - Standpoint regarding the non-detection of a conflict	8
O - Proposal to rectify an infringement	5

<i>Row tabs</i>	<i>Census from the total amounts of The Rights of Children 2013</i>
O - Standpoint regarding the nonexistence of a law infringement	3
O - Recommendation concerning lawfulness and compliance with good administration practices	18
Not selected	3

<i>Row tabs</i>	<i>Census from the total amounts of The Rights of Children 2014</i>
Yes	135
E - Opinion regarding the draft Act	4
E - Opinion in the constitutional review proceedings	2
E - Non-initiation of disciplinary proceedings against a judge and a recommendation	1
F - Forwarding in keeping with competences	14
F - Clarification of the reasons of dismissal of review	57
F - Acknowledged	3
Other	4
N - Proposal to bring the law in line with the Constitution	1
N - Memorandum to the executive power to initiate a draft act	2
N - Standpoint regarding the non-detection of a conflict	12
O - Proposal to rectify an infringement	4
O - Resolved by the institution in the course of the proceedings	3
O - Standpoint regarding the nonexistence of a law infringement	12
O - Recommendation concerning lawfulness and compliance with good administration practices	14
Not selected	2

<i>Row tabs</i>	<i>Census from the total amounts of The Rights of Children 2015</i>
Yes	153
E - Opinion regarding the draft Act	3
E - Opinion in the constitutional review proceedings	1
E - Non-initiation of disciplinary proceedings against a judge	1
F - Forwarding in keeping with competences	4
F - Clarification of the reasons of dismissal of review	89
F - Acknowledged	6
Other	5
N - Presentation to Riigikogu	1
N - Standpoint regarding the non-detection of a conflict	16
O - Resolved by the institution in the course of the proceedings	2

<i>Row tabs</i>	<i>Census from the total amounts of The Rights of Children 2015</i>
O - Standpoint regarding the nonexistence of a law infringement	13
O - Recommendation concerning lawfulness and compliance with good administration practices	7
Not selected	5

5. **Regarding the measures taken to combat human trafficking and the 2012 anti-trafficking law, please provide detailed information on cases involving children, namely, the number of reported cases, investigations conducted, number of convictions and the sentences issued. Please provide detailed information on the number of reported cases, investigations conducted, number of convictions and the sentences issued in cases of sale of children, child pornography and child prostitution.**

<i>Registered crime case by the Penal Code §</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
§ 145 ^{1*} Buying sex from minors	0	5	57
§ 175 Human trafficking in order to take advantage of minors	18	15	63
§ 175 ^{1**} Requesting access to child pornography and watching thereof	0	1	0
§ 177 ^{1**} Use of minors in manufacture of pornographic works	0	0	0
§ 177 ^{1**} Use of minors in manufacture of erotic works	0	0	0
§ 178 [*] Manufacture of works involving child pornography or making child pornography available	70	68	120
§ 178 ^{1*} Agreement of sexual purpose for meeting with child (grooming)	4	7	3
§ 179 [*] Sexual enticement of children	49	49	93

* Entered into force since 23.12.2013.

** Repealed since 23.12.2013.

Investigations conducted:

<i>Cases sent to court by the Penal Code §</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
§ 175 Human trafficking in order to take advantage of minors	15	1	52

Number of convictions and the sentences issued:

<i>Convicted persons by the Penal Code §</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>
§ 175 Human trafficking in order to take advantage of minors	7	3	11