

QUESTIONNAIRE

ESTONIA

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1. Introduction

Please read carefully before answering the questionnaire

The RAYUELA project is aimed at protecting children in their online interactions. For this purpose, the project will develop a “game”, which will present the children with realistic scenarios relating to the following cybercrimes/cyber-facilitated crimes:

- **Online grooming** (further: OG) is the crime where the perpetrator (usually an adult) uses electronic communication services, including social media, to contact a minor and build rapport with the aim of eventually meeting in person for the purposes of sexual activity. The perpetrator may employ various strategies (deception, romantic/emotional attachment, promise of material or other benefits, blackmail, coercion, etc.) to lower a child's inhibitions, heighten their curiosity about sexual experiences, or otherwise convince them to meet up.
- **Cyber bullying** (further: CB) is a broad term that includes all types of bullying behaviour online. This includes cyber stalking and cyber harassment, and any other type of behaviour online aimed at hurting the victim. Cyber bullying may also have a sexual component.
- **Misinformation and deception** (further: MD) is a behaviour that may or may not be punishable by law depending on the context. It involves all kinds of information sharing that is fake, or deceptive. For a criminal qualification to apply, typically the behaviour will need to be intentional and there will need to be material consequences to this intention.
- **Human trafficking with a cyber component** (further: HT) is the online facilitation of human trafficking by grooming and attracting potential victims for human trafficking.

The purpose of the game is to teach children how to remain safe online, while the obtained insights will be used to provide policy recommendations and educational tools.

The game does not focus solely on the threats of potentially falling victim to one of these four crimes. It also aims to raise awareness about the general threats of using IT, such as the Internet and connected devices, and minors' capacity to make responsible choices in this regard.

A particular point of interest is understanding whether minors are aware of when they, or someone else, is crossing the line in becoming offenders themselves, as this an important aspect of protecting children online. Due to the nature of online communication, inhibitions may be lowered, and certain actions may feel more innocent or less “real” than in real life. In addition, a perception may exist that what happens on the Internet has little or no impact beyond the digital world. This creates situations where minors engage in what they perceive to be relatively innocent behaviour (“everyone does this on the internet”), that may however have serious legal consequences.

One of the goals in RAYUELA is to ensure that minors realize when their behaviour may turn into actions that are punishable by law.

The present study and questionnaire are set up in the context of the RAYUELA project in order to provide an overview of the **legislative framework and relevant policies** in a number of countries, both in the EU and beyond, in relation to:

- How the main crimes of OG, CB, MD and HT are dealt with by the legal system i.e., which behaviours are punishable and under which conditions?
- How cybercrime and cyber-facilitated crime perpetrated by minors is dealt with in the legal system (both in general and specifically in relation to the crimes in focus)?

- What international instruments and cooperation mechanisms are available in dealing with cybercrime perpetrated by minors?

Importantly, we want to know both the legal rules and policies which are implemented in practice, and their effect on the **real enforcement situation**. If you have knowledge about the effects of current policies on crime rates by minors and on the crime rates for OG, CB, MD and HT, this would be of interest.

We are specifically interested in **case law** that illustrates the “why and how” of certain legal rules, principles and policies in practice. Case law will help us illustrate the similarities and differences between jurisdictions and is therefore *essential*. Please ensure to have a good amount of case law processed in your answers.

In addition, we want input on **international legal instruments and international cooperation** relevant for cybercrime, and in particular for cybercrime perpetrated by minors. What happens when cybercrimes is perpetrated in a cross-border context? What are the legal rules in place for cooperation with authorities from other countries, and how does this work out in practice (issues, problems, etc.)?

Lastly, we are interested in some **statistical information on cybercrime** in your country and cybercrime by minors specifically.

The purpose of this questionnaire is to help you provide this information for your jurisdiction.

2. Questions relating to OG, CB, HT and MD with minors as victims

Question 1: Is online grooming punishable by law in your country?

Answer:

Legal qualifications/ articles:

The simple answer is no. Online grooming is not criminalized as a distinct crime itself, however, it is usually covered by some general provision, such as

1. the § 178¹ if the [Penal Code \(Agreement of sexual purpose for meeting with child\)](#)¹ – *this is considered specifically as a grooming crime, however, it does not include online meetings (more information below).*
2. § 179 of the Penal Code (**Sexual enticement of children**)²
3. § 175 of the Penal Code (**Human trafficking with respect to minors**).³

Online grooming is often present in the commission of the aforementioned crimes, however, as said, there is no specific separate offence of online grooming. Grooming in some cases can be related to other crimes also, such as the crime of rape,⁴ sexual intercourse or other act of sexual nature using influence,⁵ or buying sex from minors,⁶ though these more rarely have the online grooming element to them.

conditions for application:

So, online grooming is most commonly seen in the three crimes mentioned before (§ 175, § 178¹, § 179). The conditions for application is a bit trickier to explain, as all of these crimes include the *actus reus* elements and the *mens rea* elements which need to be established for conviction.

So, if we take § 175 the human trafficking with respect to minors crime, the objective elements of the crime (*actus reus*) are:

- Influencing the minor, or aiding in other manner in the activities
- For the purpose of economic benefits or without it
- To cause the minor to engage in the acts mentioned in § 175 (e.g., prostitution, appearing in pornographic performance etc) – only one of these acts is needed

¹ Making a proposal for meeting a person of less than eighteen years of age who was not capable of comprehending the situation, or a person of less than fourteen years of age, or concluding an agreement to meet him or her, and performance of an act preparing the meeting, if the aim of the meeting is to commit an offence of sexual nature provided for in §§ 133, 133¹, 141-145¹, 175, 175¹, 178 or 179 [these are all either sex crimes or crimes of human trafficking] of this Code with respect to the specified person, is punishable by a pecuniary punishment or up to three years' imprisonment.

² Handing over, displaying or making otherwise pornographic works or reproductions thereof knowingly available to a person of less than fourteen years of age, or showing sexual abuse to such person or engaging in sexual intercourse in the presence of such person or knowingly sexually enticing such person in any other manner is punishable by a pecuniary punishment or up to three years' imprisonment.

³ Influencing of a person of less than eighteen years of age, for the purpose of gaining economic benefits or without it, in order to cause him or her to commence or continue engagement in prostitution or commission of criminal offences, work under unusual conditions, beg or marry against his or her will or appear in pornographic or erotic performances or works if it does not contain the necessary elements of an offence provided for in § 133 of this Code, and 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.

⁴ Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by one to six years' imprisonment.// if committed against a person of less than eighteen years of age is punishable by six to fifteen years' imprisonment.

⁵ Engagement in sexual intercourse or commission of another act of sexual nature by an adult person with a person of less than eighteen years of age by taking advantage of the dependency of the victim on the offender or with abuse of influence or confidence but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in §§ 141 or 141¹ of this Code, is punishable by two to eight years' imprisonment.

⁶ Engaging in sexual intercourse or committing another act of sexual nature with a person of less than eighteen years of age for monetary payment or any other benefit is punishable by up to three years' imprisonment.

So all of these elements need to be proven in court (that offender influenced the minor to engage in the prohibited acts, or aided in any way or manner). And then also the subjective elements (mens rea) must be proven:

- Intent (indirect intent⁷ is sufficient) towards all the objective elements

Though, the standard of application is high in criminal law, the act is considered committed (under law) with the act of influencing, not when the minor is actually proceeding with any acts mentioned under § 175.

With § 178¹ (Agreement of sexual purpose for meeting with child) which is probably one of the most common crimes related to online grooming, the standard is similar. The crime is committed when the proposal to a minor (to meet for sexual purposes) is made, not when the offender and the child actually meet. However, the law (with § 178¹) is a bit limiting, as it only considers physical meetings (offline) as meetings that are punishable. This means that online meetings with the same aim (such as video calls or other virtual meetings) are not covered by this provision. Also, with this provision, the subjective element (mens rea) standard is higher, it is needed that the offender is committing an act with a deliberate intent⁸ (the highest intent standard in our Penal Code).

With § 179, the conditions are also pretty similar to the previous ones that the act is committed when the act of sexual enticement was done. Sexual enticement can also be done in a form of writing or talking, including online communications. Not any online communications on sexual matters/topics/themes is considered enticement – the communications (talk) *has to include an appeal or a call for sexual behavior or it must describe sexual acts in a glorifying manner that could cause the child to want and try/engage in the act*. And not any child, the child must be under the age of 14. The intent standard is also different here, direct intent is needed.⁹

prescriptive period:

Penal Code - § 81. Limitation period of offence

(1) No one shall be convicted of or punished for a criminal offence if the following terms have expired between the completion of the criminal offence and the entry into force of the corresponding court judgment:

- 1) ten years in the case of a criminal offence in the first degree;
- 2) five years in the case of a criminal offence in the second degree.

So, § 175 is a first-degree offence, 178¹ and 179 are second-degree offences. However, there is a special clause for the protection of certain groups that entered into force in 2017. So, the limitation period of the offence is interrupted (Penal Code § 81 (7) 3) „in the case of marriage against will, disabling female genital mutilation, illegal termination of pregnancy and criminal offence against sexual self-determination against a person younger than eighteen years of age, until the victim attains eighteen years of age, unless the reason for the criminal proceedings became evident before the victim attained such age.“ This means that certain specific crimes, in which case you can assume that the minor is not capable due to her age, the level of comprehension of due to being dependent of the perpetrator, to seek help or disclose the abuse, and the lawmaker has taken that into account. Then the limitation period is interrupted, meaning the limitation period will start when the victim turns 18 years of age, and then,

⁷ A person is deemed to have committed an act with indirect intent if the person foresees the occurrence of circumstances which constitute the necessary elements of an offence and tacitly accepts that such circumstance may occur.

⁸ A person is deemed to have committed an act with deliberate intent if the aim of the person is to create circumstances which belong to the necessary elements of an offence and is aware that such circumstances occur or if he or she at least foresees the occurrence of such circumstances. A person is also deemed to have committed an act with deliberate intent if the person assumes that the circumstances which constitute the necessary elements of an offence are an essential prerequisite for the achievement of the aim.

⁹ A person is deemed to have committed an act with direct intent if the person knowingly creates circumstances which belong to the necessary elements of an offence and wants or at least tacitly accepts the creation of the circumstances.

depending on whether it's a first- or second-degree offence, the limitation period of ten or five years begins.

the range and types of punishment that may be imposed:

1. § 175. Human trafficking with respect to minors is punishable by two to ten years' imprisonment, however, if the same act was committed by a person who has previously committed a criminal offence provided for in this section [Offences against Minors] or §§ 133–133³, § 175¹ or §§ 178–179 [sex crimes & human trafficking], is punishable by three to ten years' imprisonment.
2. 178¹. Agreement of sexual purpose for meeting with child is punishable by a pecuniary punishment or up to three years' imprisonment. The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175, 175¹, 178 or 179 is punishable by one to three years' imprisonment.
3. § 179. Sexual enticement of children is punishable by a pecuniary punishment or up to three years' imprisonment. The same act, if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175, 175¹, 178 or 178¹, is punishable by one to three years' imprisonment.

So, the punishment is generally imprisonment, though, depending on the severity of the crime, criminal record, and other such aspects, it is possible that imprisonment is substituted with electronic surveillance or suspended and probation is applied. However, all these crimes (§ 175, 178¹, 179) include an additional condition that if the person has previously been punished for similar crimes, the sentence cannot be suspended. It reads as follows: „In the case of any criminal offence provided for in this section, if committed by a person who has previously been punished for a crime provided for in this section or §§ 133, 133¹, 133², 133³, 175¹, 178, 178¹ or 179 [sex crimes against children and human trafficking] of this Code, the sentence imposed shall not be suspended in full.“

jurisdictional aspects in cross-border cases:

Well, this is a tough one. It depends. We have two principles here from our Penal Law. Firstly, the territoriality principle, which states that Estonian penal law applies to acts committed within the territory of Estonia. And then we have the principle that the law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if the act is committed against a citizen of Estonia or a legal person registered in Estonia. So, technically, if the offender is residing in another country, and the victim is a citizen of Estonia, we could probably prosecute the person. The law does provide jurisdiction.

However, the practical application is where it gets tricky. And, as far as I know, with many countries (particularly with other EU countries), the cooperation, the sharing of information, and other such aspects, is working pretty well. It gets more difficult if the person is outside of the EU, and honestly, I have no clue what happens if the offender is residing in African, South American, or Asian countries. In cross-border cases, there is no specific law currently saying which country gets the case. This is often determined during the cooperation, and it is more of related to how it has been done in practice (e.g., who has been on the investigation longer and such). With some countries we do have international agreements that determine the practical parts, yet when it comes to bringing offenders to the court, it is only pertinent when the offender is from a country Estonia has good co-operation. Otherwise, it is highly unlikely such cases will be solved.

applicable policy:

- The main policy related to the online grooming of children in Estonia is the The Agreement on prevention of violence 2021-2025. This strategy covers, among other things, violence prevention in online settings, human trafficking, sexual violence and violence against children. One of the main impact indicators for the strategies' overall goal of reducing violence is the reduction in the proportion of children falling victim to sexual abuse. However, the strategy has

a wide-ranging focus on many forms of violence against all types of victims, not only children. Furthermore, the strategy does not contain specific goals related to the different manifestations of online grooming, instead focusing more broadly on sexual violence, online threats and violence against children.

- The **action plan** of the Government of Estonia for 2019-2023 list one of its priorities combatting human trafficking and child sexual abuse, though not specifically grooming. Some of the specific actions include creating a sex offenders registry, capacity building and development of Children's House service, more effort on awareness raising and prevention related to human trafficking, developing services to help child victims of sexual and physical abuse, and victims of human trafficking.
- The prosecutors agreement - [Principles of protection of victims of sexual offenses against children and uniform penal practice](#), which establishes rules for how to treat victims during the investigation and court proceedings but also tries to create uniform penal practice.

and other relevant information:

- An important change in our law is that the **age of consent** was raised from the age of 14 to the age of 16, which means that with many crimes that previously did not criminalize sexual acts with minors, but only under the age of 14, this will be higher. The law is not in effect yet, it will be in effect by the end of the year 2022.
- We have a **public criminal record** (this is not the same as the sex offender registry). The public criminal record enables inquiries about the applicable penalties of persons in case of suspicion through the E-service. Thus, if a parent (or anyone else) has a suspicion about a person who comes into contact with a child, they can ask the register whether that person has been convicted of a sexual offense or not. Thus, there is an opportunity for inspection, and everyone has the opportunity to check and assess for themselves whether the consumption of the services of a hobby school, kindergarten, school, etc. is safe or not for the child in a particular case.
- Also, in Estonia, there is a **restriction on working with children**, which ensures that persons who have been punished or sentenced to forced treatment for crimes related to trafficking in human beings, sexual self-determination, prostitution and child pornography do not have access to professions that come into contact with children. This is a lifetime ban.
- Estonia currently has three **Children's Houses** (Barnahus) run by the Social Insurance Board of Estonia. Children's Houses operate following the Icelandic Barnahus model, which aims to reform the adverse responses the justice system often has towards child victims of violence and abuse. This is where minors who are victims of sex crimes are usually referenced to.
- The Child Protection Act obliges everyone to **report a child in need of help and in danger**.
- **The child helpline** is open 24 hours a day. It's free and anonymous for all callers, but calls are recorded. Specialists answer the phone in Estonian, Russian and English. This telephone also provides primary social counseling and, if necessary, crisis counseling for children and persons related to children.
- We also have a **Web Constable** if someone wants to report sexual or other abuse online, has been bullied or harassed. They can ask the police for advice, have questions about the law, or can send a tip to the police if you suspect someone else is online on your behalf. On Facebook, web constables Andero Sepp and Maarja Punak give advice. The web constable Jana also operates on the websites VK.com and Odnoklassniki.ru.
- We have a governmental agency (victim support). Access to victim support services is guaranteed to child victims under the **Victim Support Act**, which has a particular focus on victims of human trafficking and sexually abused minors. Under the Act, a sexually abused minor will be considered as any child who has been a victim of any of the SEC related offences covered in this report. The Act provides that victims will have access to: accommodation, catering, health services, psychological assistance, translation and interpretation services and other services necessary for the physical and psycho-social rehabilitation of victims.

- The Ministry of Justice has developed some **child-friendly materials** to help prepare children for court proceedings by explaining the process, their rights and possibilities for additional help or resources.
- The NGO Living for Tomorrow offers a **free helpline** offering support services relating to trafficking. Callers can receive legal advice, referral to the relevant authorities or advice on how to avoid becoming a victim of trafficking. This helpline is available to people of all ages and in 2018, only 1% of callers were under 18.
- The Estonian Safer Internet Centre organises **awareness raising** events and campaigns, distributes materials to children, teachers and parents and promotes safety in the online environment. Similar campaigns have been done by our government and other NGOs also.

Please provide case law to illustrate the application of the rules in practice.

One of the issues previously with § 175 was that it wasn't clear whether the economic benefit element is necessary for the act to be considered a trafficking of minor, yet in a case [RKKK 1-17-689/29](#) it was clearly established that the economic benefit is not a precondition and that the act can be considered a case of trafficking even without the economic benefit. It was a 2017 case, and after that, in 2019, the law was also amended accordingly.

Not a single case of § 178¹ has made it to the Supreme Court, which may actually indicate that there are not much disputes or legal issues (e.g., procedural mistakes or such). There have been 12 cases of § 179 crimes in the Supreme Court, but not all of them have been about disputes regarding the crime, most are related to procedural issues. And only one of them had an online element to the crime.

An important issue was resolved in the Supreme Court case no [1-17-689](#), where the offender groomed victims online but also committed most of the crimes (so many were no-contact offences). This Supreme Court clarified the distinction between § 133 (trafficking in persons) and the § 175 (human trafficking with respect to minors). The comparison showed that the definition of trafficking in human beings is different in §§ 133 and §§ 175 of the Penal Code. In addition to the fact that only a minor may be the subject of a criminal offense provided for in § 175 of the Penal Code, the Chamber also noted the following. All the alternatives to the act listed in § 133 (1) of the Penal Code are characterized by the use of a certain coercion against the victim in order for him or her to perform an obligation reluctant to him or her. If such coercive act is directed against a minor victim, it shall be qualified as trafficking in human beings with respect to a person younger than eighteen years of age pursuant to § 133 (2) 2) of the Penal Code. However, in the case of § 175 (1) of the Penal Code, the will of a minor victim has been affected in another manner not specified in § 133 of the Penal Code in order to induce him or her to commence or continue the activities listed in § 175 (1) of the Penal Code. The act in question (**influencing**) may be considered, for example, attracting, persuading or otherwise influencing by offering various benefits without committing an act (coercion) specified in § 133 (1) of the Penal Code. Thus, in the case of § 175 of the Penal Code, unlike § 133 of the Penal Code, the reluctance of the victim is not required (except in the case of forced marriage). It is also important to note in distinguishing between the elements of criminal offenses provided for in §§ 133 and 175 of the Penal Code that § 133 of the Penal Code is a consequence that is completed only when the victim is placed or held in a situation where he or she has to perform a reluctant obligation. On the other hand, § 175 of the Penal Code is criminal in nature, as influencing a minor or assisting in his or her activities in another way and considering the composition fulfilled does not depend on whether the victim also started or continued the activity for which he or she is to be exploited.

Please provide details on known issues of application.

One of the main problems of concern is clearly the limitation period of offences and that many cases do not even make it to the court, yet that is not an issue of application.

Question 2: Is cyberbullying punishable by law in your country? Please take into account a broad understanding of cyberbullying (cyber/online stalking, harassment, sexual harassment)?

Answer:

Legal qualifications/ articles:

Cyberbullying is not criminalized as a distinct crime. The forms of identity theft and illegal use of a computer system are regulated under criminal law, which are some of the most common forms of cyberbullying reported. Harassing pursuit is also criminalized, this might cover online stalking (but not when there is no contact with the victim) and harassment/sexual harassment. Many forms of cyberbullying¹⁰ are not covered by criminal law, hence the victim either may have a civil claim or has no legal remedies to rely on.

Relevant Penal Code provisions:

- **§ 217. Illegal obtaining of access to computer systems** (1) Illegal obtaining of access to computer systems by elimination or avoidance of means of protection is punishable by a pecuniary punishment or up to three years' imprisonment.
- **§ 157². Illegal use of another person's identity** (1) Transmission of personal data that establish or may enable to establish the identity of another person, grant of access to the data or use thereof, without the consent of that person, with the aim to knowingly cause a misconception of that person by means of assuming that person's identity, if damage is caused thereby to the rights or interests of another person that are protected by law, or to conceal a criminal offence, is punishable by a pecuniary punishment or up to three years' imprisonment.
- **§ 157³. Harassing pursuit** (1) Repeated or consistent attempts to contact another person, watching him or her or interference in the privacy of another person against the will of such person in another manner, if the intent or effect thereof is to intimidate, humiliate the other person or disturb him or her in any other manner, if the act does not contain the necessary elements of an offence provided for in § 137 of this Code, is punishable by a pecuniary punishment or up to one year's imprisonment.
- **§ 153¹. Sexual harassment** (1) An intentional physical act of sexual nature against the will of another person committed against him or her with degrading objectives or consequences is punishable by a fine of up to 300 fine units or by detention.

conditions for application:

The elements of the crime (objective elements) are visible above (where the provisions are). For subjective elements at least the presence of indirect intent is required.

prescriptive period:

Penal Code - § 81. Limitation period of offence

(1) No one shall be convicted of or punished for a criminal offence if the following terms have expired between the completion of the criminal offence and the entry into force of the corresponding court judgment:

- 1) ten years in the case of a criminal offence in the first degree;
- 2) five years in the case of a criminal offence in the second degree.

All the relevant crimes mentioned above (§ 157², 157³, 217) are second-degree offences, meaning the limitation period is five years. And there is no special protection regarding the limitation period or the fact that the victims are minors.

The range and types of punishment that may be imposed:

All are punishable by a pecuniary punishment or up to one year's imprisonment, though imprisonment is rarely applied with these offences. For sexual harassment it is fine or detention.

jurisdictional aspects in cross-border cases:

[Exactly the same as explained previously]

¹⁰ E.g., public outing (revealing one's secrets, embarrassing facts, Pictures, videos etc), denigration (gossiping), flaming (being mean, unkind, saying terrible things to others etc), and certain forms of harassment are usually not covered by criminal law.

applicable policy:

[Exactly the same as explained previously]

Please provide case law to illustrate the application of the rules in practice.

I have seen a couple of cases of 157² (Illegal use of another person's identity) where minors have been cyberbullying another minor (they have created fake accounts of dating/sexual content websites etc) yet when the offender has been a minor, it usually does not go to court.

There is currently this big case of collective cyberbullying of a man called Anterro Ahonen, a 40+ years old producer who has been relentlessly bullied my hundreds of minors online (mainly on TikTok and discord), he has also been followed, threatened and stalked (online and offline). The minors created many fake accounts for Mr Ahonen and wrote online that he is a pedophile and many other such disgusting things (none of which has been true). The minors just started bullying him because he was on tiktok and he is older than usual tiktok users. The police did nothing the first year. Also, Mr Ahonen's daughter was bullied because of that. The incident got tv coverage last month and finally now some investigation was started, though I doubt that these will make it to court. This is one of the severest case of cyberbullying I've seen online in Estonia, and only remedies available were civil one's and for these Mr Ahonen would have needed to know the identities of bullies (to sue them in court). So with this investigation, already some parents were contacted but not charges have been brought. As the standard practice in Estonia currently is that we rarely prosecute minors. If this would go to court (either under criminal or civil law), it would be an important precedent.

Another terrible online bullying case was the case of Heldin Nool who was also collectively bullied by minors both online and offline (if started online after a video she posted of herself singing when she was 12). It lasted for years, and she killed herself when she was 19 directly addressing the reason as being bullied. No charges were ever brought against any bullies.

Please provide details on known issues of application.

Most forms of cyberbullying are civil acts by nature, meaning they do not qualify under criminal law. Identity theft and illegal use of a computer system, and the harassing pursuit are clearly criminal offenses, yet these crimes do not cover the majority of cyberbullying acts/forms that children encounter. Also, a problem known is that minors rarely report these offences, it is usually the adults victims that report to police, but minors for some reason do not do that very often (probably because offenders are oftentimes peers).

Another issue is that sexual harassment crime only includes physical contact crime, so online sexual harassment is hardly covered in any other crimes in our Penal Code.

Question 3: When would misinformation and deception online constitute a criminal offence in your country? In other words, what potential qualifications could apply to wilful misinformation and deception on the internet?

Answer:

Legal qualifications/ articles:

As misinformation is considered an accidental act this is never criminal. Disinformation (meaning intentional) and deception online could be a criminal offence only when it is done in the context of sexual grooming acts (discussed above) or in the context of fraud (§ 209¹¹ of the Penal Code). Other than that, deception and disinformation is not criminalized, and only in certain cases these may be civil matters, but in most cases, it is protected under freedom of speech and expression (constitutional rights).
conditions for application: None, as these are not crimes.

¹¹ **209. Fraud** (1) Causing of proprietary damage to another person by knowingly causing a misconception of existing facts for the purpose of significant proprietary benefit is punishable by a pecuniary punishment or up to four years' imprisonment.

prescriptive period: n/a

the range and types of punishment that may be imposed: n/a

jurisdictional aspects in cross-border cases: n/a

applicable policy: n/a

Please provide case law to illustrate the application of the rules in practice. n/a

Please provide details on known issues of application. n/a

Question 4: What constitutes human trafficking and how is human trafficking facilitated by electronic means punished in your country? Are online grooming activities to find victims (e.g. lover boys) before the actual human trafficking punishable in itself? In addition, are these activities punishable as a separate crime if human trafficking does take place afterward?

Answer:

Legal qualifications/ articles:

- **§ 133. Trafficking in human beings** (1) Placing a person, for the purpose of gaining economic benefits or without it, in a situation where he or she is forced to marry, work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, and 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: 2) committed against a person of less than eighteen years of age; is punishable by three to fifteen years' imprisonment.
- **§ 175. Human trafficking with respect to minors** (1) Influencing of a person of less than eighteen years of age, for the purpose of gaining economic benefits or without it, in order to cause him or her to commence or continue engagement in prostitution or commission of criminal offences, work under unusual conditions, beg or marry against his or her will or appear in pornographic or erotic performances or works if it does not contain the necessary elements of an offence provided for in § 133 of this Code, and 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.

Are online grooming activities to find victims (e.g. lover boys) before the actual human trafficking punishable in itself? Yes, under § 178¹ if the [Penal Code \(Agreement of sexual purpose for meeting with child\)](#)¹² when the meeting for sexual purposes is agreed, or under § 175, when the act of influencing is done, not when the minor is actually proceeding with any acts mentioned under § 175.

In addition, are these activities punishable as a separate crime if human trafficking does take place afterward? Yes, as the act of influencing is when the crime has taken place (explained already above).

conditions for application: [explained already above, under the Question 1]

prescriptive period:

[explained already above, under the Question 1]

the range and types of punishment that may be imposed:

[explained already above, under the Question 1]

¹² Making a proposal for meeting a person of less than eighteen years of age who was not capable of comprehending the situation, or a person of less than fourteen years of age, or concluding an agreement to meet him or her, and performance of an act preparing the meeting, if the aim of the meeting is to commit an offence of sexual nature provided for in §§ 133, 133¹, 141-145¹, 175, 175¹, 178 or 179 [these are all either sex crimes or crimes of human trafficking] of this Code with respect to the specified person, is punishable by a pecuniary punishment or up to three years' imprisonment.

jurisdictional aspects in cross-border cases:

[Exactly the same as explained previously]

applicable policy:

[Exactly the same as explained previously]

Please provide case law to illustrate the application of the rules in practice. [answered above]

Please provide details on known issues of application. [answered above]

3. Questions regarding cybercrime or cyber-facilitated crime committed by minors

This section is aimed at understanding how cybercrime or cyber-facilitated crime committed by minors is dealt with in your jurisdiction. In particular, we are trying to assess to what extent the rules and policies in place create leeway for minors who may not always be aware of when their behaviour is crossing a line. We are also interested to know the real enforcement situation. In addition to the general rules on the juvenile justice system and the punishment of minors, the 4 crimes of focus of RAYUELA are addressed, as well as two particularly relevant crimes committed by minors online: online piracy and hacking.

Question 5: How is crime committed by minors dealt with in your country, in general? Is there a specific juvenile justice system? If yes, please explain in detail how this works.

Answer:

In 2018, several amendments to the Code of Procedure, the Penal Code and other laws entered into force and a new procedure for the treatment of juvenile offenders came into force.

In addition to the amendments to the law that entered into force, the previous Juvenile Sanctions Act, which also regulated the work of juvenile commissions, was repealed. These changes placed more important responsibilities on the person conducting the proceedings and on the local government in order to influence the minors. The work of the juvenile commission related to criminal proceedings was started by the prosecutor in co-operation with the local government and other co-operation partners. The aim of the change was simple - to speed up and improve the investigation of juvenile delinquency. Most importantly, however, the government maintained that the child needs special treatment. The abolition of the juvenile commission as a so-called intermediate step speeded up the process. Faster criminal proceedings, in turn, mean that a juvenile offender spends less time as a suspect in a crime and can rectify and learn from it more quickly. In addition, the possibilities for reacting to juvenile delinquency were expanded, because instead of the punitive reaction of the juvenile commission, the prosecutor had to react to the offense first with an educational or social system measure in cooperation with the local government.

It is also important to ensure appropriate treatment of minors when conducting an investigation. Criminal proceedings can seriously infringe on a young person's liberty, especially during detention. Even while in custody, the juvenile comes into contact with prisoners and prison culture and is away from his or her family, school and professionals. There is now a solution to prevent such situations - the court may replace the arrest with placement in a closed childcare facility. In other words, instead of being sent to prison, the adolescent is sent to the Maarjamaa Hariduskollegium or another suitable childcare institution. In this way, the child is not exposed to a harmful prison culture and can continue his or her education and, if necessary, receive social support.

Prior to 2018, the possibilities of the Juvenile Commission applied only to young people up to 18 years of age. However, young people do not always have the same level of developmental maturity, and due to their variability, it is now possible to apply the sanction to minors to young adults up to the age of 21.

To do so, however, it must first be determined whether his level of mental and social development corresponds to his age or, rather, to that of a minor. The principles of restorative justice plays a significant role in determining obligations and sanctions - the child must understand the inappropriateness of the act and be given the opportunity to repair the damage caused. The child who has committed the offense is also a child in need of help, and it is the role of various officials to identify and resolve the child's needs.

Thus, after the changes that came into force in 2018, the general rule is that in the case of crimes committed by minors, the use of sanctions must be considered as the last straw. These new possibilities are broadly divided into two - the responsibilities imposed by the prosecutor and the sanctions imposed by the court.

At present, the main measure has become the termination of criminal proceedings and thus the imposition of an obligation on a minor (§ 201 of the Code of Criminal Procedure). It is used when the prosecutor's office finds that a young person who has committed a crime between the ages of 14 and 17 can be punished without the use of a sentence or a sanction imposed by a court. To this end, the prosecutor shall summon the juvenile offender and his or her legal representative, explain the nature of the crime, warn the juvenile and, if necessary, impose obligations on him or her. In addition, the prosecutor talks to the young person about the use of tobacco products, alcohol and drugs, the obligation to attend school and the influence of the groups on the young person's behavior, depending on the circumstances of the case. The prosecutor then forwards the selected obligation and other necessary information to the local government child protection specialist.

If the obligations imposed by the prosecutor are not sufficient to influence the young person, the criminal case can be sent to court. In this case, the court imposes a sanction suitable for the minor (§ 87 of the Penal Code). The court was given the opportunity to replace the arrest of a minor with placement in a closed childcare institution. The maximum length of detention for a minor was reduced from 30 days to 10 days. If a court convicts a minor of a criminal offense and imposes a sanction on him or her, no entry shall be made in the criminal record concerning the criminal offense and the sanction. With such a decision, the court motivates the young person to behave law-abidingly - although one is responsible for his/her actions, they can continue their life as a "clean sheet" by changing themselves.

There is also a website for childfriendly proceedings (in police, prosecutor's Office and court) <https://lapsesobralikmenetlus.just.ee/et>

These changes have had important impact on juvenile crime. The number of juvenile offenses is stabilizing. The number of registered juvenile crimes since 2016 is approx. 1000-1100 crimes per year. In 2020, for the first time, the number of juvenile delinquencies fell below 1000 and it was same in 2021. Compared to the pre-reform period, the number of juvenile delinquencies has decreased, except for an increase in 2019.

In criminal proceedings, minors go to court less and less. When in 2016 prosecutors took nearly 280 minors to court, then in 2018 nearly 200 juveniles and in 2020 163 juveniles. As a result, fewer juveniles come to the attention of both judges and probation officers. juvenile imprisonment as a punishment has decreased (2018: 21%; 2020: 16%). Juveniles are usually imprisoned for serious or repeated crimes. Instead of imprisonment, juvenile detainees are increasingly being admitted to a closed childcare facility, which provides better conditions for special treatment.) The number of juveniles in prison has fallen to an all-time low. The decline in the number of juvenile detainees has continued after the reform. If at the end of 2016 there were 29 juveniles in prison, then in 2018 14 and in 2020 5, and in 2021, there were three juveniles in prison, including one arrested and two convicts.

Minors can be criminally punished from the age of 14. Usually, as explained above, the system tries to support and help minors, not punish them. Even the Penal Code says A minor may be imposed a punishment only in the case it is impossible to influence the minor not to commit offences in the future by sanctions applicable to minors. In case they are punished, it is always more lenient than adults.

Imprisonment for a term of more than ten years or life imprisonment shall not be imposed on a person who at the time of commission of the criminal offence is less than eighteen years of age.

**

§ 87. Sanctions applicable to minors and young adults [RT I, 05.12.2017, 1 – entry into force 01.01.2018] (1) A court may apply the following sanctions on persons who are at least fourteen but less than eighteen years old and have committed a crime and whose level of moral and mental development and ability to understand the unlawfulness of their acts or to act according to such understanding is limited:

- 1) admonition;
- 2) social program;
- 3) indemnification and remedy for damage caused by the criminal offence;
- 4) addiction treatment or another treatment;
- 5) conciliation service;
- 6) subjection to supervision of conduct pursuant to the provisions of § 75 of this Code;
- 7) 5-60 hours of community service;
- 8) Restriction of freedom of movement, as appropriate together with submission to electronic surveillance pursuant to the provisions of § 75¹ of this Code;
- 9) placement in closed children's institutions in compliance with the principles; of placement in closed children's institutions provided for in the Social Welfare Acts;

Please provide case law to illustrate the application of the rules in practice. n/a

Please provide details on known issues of application.

One of the issues often arising is how to determine that the child cannot be influenced or helped otherwise, and that the punishment is the only way. It may be clearer in certain cases, such as repeat offenders of certain crimes. Yet merely being a repeat offender does not necessarily mean that the child has not learned and cannot be influenced with other means. The issue becomes more controversial with severe crimes, as these are often influenced by already difficult conditions (living conditions, poverty, living without parents, unstable environment, violent childhood etc) and it is difficult to determine whether such minors can be influenced otherwise. With severe crimes the state still has a tendency to punish, as then there is this additional element of needing to protect the society. Yet, in prison, these children may become even worse. So, it is a difficult issue to solve in practice.

Question 6: Are there specific rules or is there a specific policy that deals with cybercrime by minors as a special topic, acknowledging the special characteristics of crime by minors in the cyber environment, and the fact that minors may not knowingly or intentionally break rules (issues with criminal intent)? Even absent a written policy, are minors prosecuted for cybercrime in practice?

Answer:

No special policy, minors are not usually prosecuted (and they are also rarely reported as offenders of cybercrimes). [Explained under the Questions 6 and 19 already]

Please explain the applicable rules or policies, if any, and their impact in practice. n/a

Please provide details on known issues of application. n/a

Question 7: Can minors be punished for online grooming in your country? I.e. the situation of a minor capable of providing sexual consent (e.g. 17 year-old) grooming a minor who has not reached the age of sexual consent (e.g. 13 years old) to meet up with the intent to perform sexual activities? Please focus not only on the specific crime of online grooming (which, if present as a separate crime in your jurisdiction, often requires an adult perpetrator), but also on other crimes

that would punish the activities that constitute online grooming (i.e. the use of different strategies to force a meeting with the minor victim with the intent to perform sexual activities). If criminal sanctions could apply, are minors prosecuted in practice?

Answer:

Yes, they can, but this rarely happens, particularly with non-contact offences (so online). Minors are usually punished for serious contact sex crimes (e.g. rape or such), and only in cases where there is substantial age difference or power imbalance.

Also, when the change of age limit for sexual self-determination goes from 14 to 16 years of age, it will have an exception for young people up to the age of five. This is relevant for contact sexual acts (without violence). It is still rape when the victim is under the age of 10 (and the offender is older), but with online grooming it is rather complicated. It is possible to get punished for 178 and § 179, but as said before, only in cases where there is substantial age difference or power imbalance which is determined in case-by-case basis.

Please provide case law to illustrate the application of the rules in practice. No available case law, such cases are sealed, a special permission from court should be obtained to access such cases.

Please provide details on known issues of application.

One of the problems I often come across is the online grooming for sexual purposes when the act happens only online, and the offender is a peer. Usually, these cases do not get reported to the police, and when they do, often the cases do not move past the prosecutor. Another issue I have seen (though in rare occasions), is when a groomed and exploited minors is grooming other minors him/herself (not fully because of free will, more due to manipulation by the offender). So then we have a case where the victim is also becoming an offender. These children are usually very traumatized themselves and do not fully comprehend the situation, yet they also have committed heinous acts (or enticed/groomed other children to do sexual acts). So, also, a complicated situation to solve.

Question 8: Can minors be punished for purely online behaviour with a sexual intent when other minors are the victim? E.g. the situation where a minor perpetrator obtains sexually explicit material from the minor victim in order to sell this or to force the victim to do something. If criminal sanctions could apply, are minors prosecuted in practice?

Answer:

Well, yes, they could, under the § 178,¹³ but this is rarely the case. Such things actually occur rather often, but I do not know of any case that has made it to the court. Yet, sextortion is a more serious act, and would probably (depending on the facts of the case) be punishable under § 175 (human trafficking with respect to minors). However, I have not seen a case where the minor was the offender and was punished by court.

Please provide case law to illustrate the application of the rules in practice. No available case law, such cases are sealed, a special permission from court should be obtained to access such cases. Perhaps that is the reason we do not know enough about such offences committed by minors. Or it can be that such cases rarely make it to the court.

Please provide details on known issues of application.

[explained under Question 8]

¹³ § 178 (1) 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.

Question 9: Can minors be punished for cyberbullying behaviour, without there being a physical component to the crime? This includes behaviours such as cyberstalking and cyberharassment. If criminal sanctions could apply, are minors prosecuted in practice?

Answer:

Well, of course, any minor who is 14 years of age or above and commits a crime can be prosecuted. Probably the most likely crime under question would be the harassment pursuant § 157³ (already explained above), though I do not know a single case where the offender was a minor. The harassment pursuant is mostly a domestic violence crime and online stalking rarely gets to the threshold. So, if the harassment/stalking does not go under the harassment pursuant provision, there are not many other crimes that could fulfil any crime (without the physical component). Maybe, in some cases, the cybercrimes mentioned above, but as explained before, minors rarely commit such crimes and even when they do, we currently have a policy of prosecuting minors as a last resort.

Please provide case law to illustrate the application of the rules in practice. n/a

Please provide details on known issues of application. n/a

Question 10: Can minors be punished for wilful misinformation or deception online (sharing false news, false information, pretending to be someone else, pretending to be an expert, etc.)? Which crimes/qualifications could possibly apply? If criminal sanctions could apply, are minors prosecuted in practice?

Answer:

Only if pretending to be someone else is considered an identity theft crime or a fraud (so sharing false information in order to deceive someone for financial gains), but not in other cases. Not usually prosecuted [as explained above], though would probably be in case of repeat offences.

Please provide case law to illustrate the application of the rules in practice. n/a

Please provide details on known issues of application. n/a

Question 11: Can minors be punished for online actions facilitating human trafficking? Typically, this includes the selection and grooming of victims (e.g. lover boy phenomenon). If criminal sanctions could apply, are minors prosecuted in practice?

Answer:

Well, minors 14 and over could be punished, but I have not heard of a single case [explained under the Question 8].

Please provide case law to illustrate the application of the rules in practice. n/a

Please provide details on known issues of application. n/a

Question 12: Can minors be punished for acts of online piracy in your jurisdiction, i.e. the illegal use and/or distribution of content protected by intellectual property rights? Please focus on the elements of criminal nature. If criminal sanctions could apply, are minors prosecuted in practice?

Answer:

In theory, it is possible, but I have not heard of a single case. So copyright infringement¹⁴ is a criminal act but only when done for proprietary benefits, so merely downloading and distributing stuff online is

¹⁴ § 224¹. **Copyright infringement** (1) Infringement of proprietary rights of a holder of copyright or related rights in order to receive proprietary benefits is punishable by a fine of up to 300 fine units.

not covered here. Then, another crime could be § 222, trade in pirated good,¹⁵ but I do not see with the typical online piracy acts fulfilling the objective elements of the crime. Also, if minors would be caught with such acts, I highly doubt they would ever reach to court proceedings. Probably a warning from the police or prosecutor, but not real prosecution.

Please provide case law to illustrate the application of the rules in practice. n/a

Please provide details on known issues of application. n/a

Question 13: Can minors be punished for acts of hacking (i.e., unauthorized access to a computer system)? In particular, would this also apply to various scenarios exploiting vulnerabilities in IoT and connected devices? If criminal sanctions could apply, are minors prosecuted in practice?

Answer:

Yes, minors (over the age of 14) could be punished, though I doubt they would be. Same as explained previously, minors are rarely prosecuted and only in case of severe or repeat offences. So also, probably a warning from the police or prosecutor, but not real prosecution. Unauthorized access was [already explained under Question 2]

Please provide case law to illustrate the application of the rules in practice. n/a

Please provide details on known issues of application. n/a

Question 14: Can minors be punished for acts of using Cybercrime as a Service? If yes, under what qualification? In particular, how would this apply to using such services for exploiting vulnerabilities in IoT and connected devices e.g., the device of a friend or acquaintance? Does it matter if the intent is somewhat innocent (i.e., the minor thinks it's a joke or a prank)? If criminal sanctions could apply, are minors prosecuted in practice?

Answer:

The innocence of the intent would not matter from the prosecuting perspective anyhow. The intent would matter from the perspective that did the minor know that what he is doing is illegal and was there at least an indirect intent to commit the crime. And yes, they could be punished if the service was used to commit a crime, yet merely just using the service itself does not fulfil the criteria of any criminal offence. So, if they would use such services for let's say, money laundering or extortion, they could be punished (if they are 14 or older). In practice, minors are not usually prosecuted for such crimes.

Please provide case law to illustrate the application of the rules in practice. n/a

Please provide details on known issues of application. n/a

4. General questions regarding cross border cybercrime, international legal instruments applicable to fighting cybercrime and regarding international cooperation

Question 15: How does your country deal with the cross-border nature of many cybercrimes? When is jurisdiction established? Can judgements have extra-territorial effect?

Answer:

According to the Prosecutor's Office the international cooperation plays a key role in the investigation of cybercrime. Most cybercrime cases are international in nature. As a result, evidence is often located in several countries and its collection requires close cooperation between law enforcement authorities in different countries. For example, you may need to obtain data from a foreign service provider about

¹⁵ § 222. Trade in pirated goods (1) Manufacture, selling, renting, storing, delivery of or trading in goods in another manner in professional or economic activities which knowingly infringes copyright or related rights, if the amount of gains or damage caused by the infringement exceeds the amount of twenty minimum daily rates, is punishable by a pecuniary punishment or up to two years' imprisonment.

users of computer systems or IP addresses, data from foreign servers, or data about users of web and e-mail accounts, along with the content of the posts in the accounts. Compared to so-called conventional evidence, digital evidence is very time-critical, which requires law enforcement cooperation to be quick and flexible.

The Council of Europe Convention on Cybercrime (the so-called Budapest Convention) has become one of the most effective instruments for cooperation in the field of cybercrime. It was adopted in Budapest on 23 November 2001 and has now been acceded to by 66 countries, including 26 EU Member States, as well as the United States, Canada, Japan and Australia, as well as a number of South American countries. Estonia ratified the Convention in 2004. The Convention defines different types and concepts of cybercrime, provides for domestic measures to investigate crimes and sets out the principles for international cooperation. The Convention confers a right of access to computer data located in another country if it is publicly available or with the consent of the person legally entitled to disclose the data. In addition, when searching a computer system, you have the right to extend the search to a computer system located in another country, if the data located there is available through the computer system being searched. However, this has little to do with minors, and is mostly regarding adult offenders.

In 2017, preparations were started for the drafting of Additional Protocol II to the Budapest Convention in order to create even more flexible and faster opportunities for international cooperation. The text of Additional Protocol II was approved at Council of Europe level and was expected to be signed in 2022. The Protocol regulates the transfer of domain name registration data, subscriber data and traffic data and provides for the possibility for Contracting States to obtain such data directly from foreign service providers and the right of service providers to transfer data directly to foreign law enforcement authorities. In addition, specific deadlines are set for the transmission of data and for the accelerated release of stored computer data in the event of an emergency. This is an important innovation in the collection of digital evidence abroad, as it provides an opportunity for direct communication between foreign law enforcement agencies and service providers, alongside the classic cooperation between states based on legal aid applications.

There are already a number of differences between cooperating with service providers in the United States. Namely, the laws of the United States entitle service providers located in their country to transfer subscriber data directly to foreign law enforcement agencies without legal aid requests, and Estonian researchers have actively used this opportunity. In this way, it is possible to get information about, for example, who created the online account or e-mail account, and what information and contacts were provided when creating the account.

In order to make it easier for investigators and prosecutors to navigate digital evidence issues, Eurojust and Europol did set up a SIRIUS platform, which brings together all information on international digital evidence collection capabilities and practices, including contact details for service providers, sample inquiry forms, national contact points, legal aid applications. requirements and more. All investigators and prosecutors can request access to the platform.

The Police has also created a website to report cybercrime: <https://cyber.politsei.ee/en/>

There is no known specific impact on cybercrime committed by minors.

Question 16: What international legal instruments (bi-lateral, multi-lateral) apply in your country to the fight against (cross-border) cybercrime and how have they been implemented in national law (if implementation is necessary)?

Answer:

[explained above]

Question 17: What forms of international cooperation exist in your country to the fight against cross-border cybercrime? Please describe different routes/options/procedures and the measures

that can be requested (e.g., asking for investigative actions, exchange of information/evidence, etc.)?

Answer:

[explained above]

Question 18: Do the rules (national, international) and policies mentioned in your answers in this section have any particular effect or impact on cybercrime committed by minors?

Answer:

[explained above]

5. Other

Question 19: Do you have any information on the rates/statistics of cybercrime in your country and their recent evolution? Of particular interest would be statistics related specifically to the crimes covered in this questionnaire and statistics on cybercrime by minors (ideally also specifically for the crimes covered above)? If there were any (relatively) recent legislative or policy changes, please try to find statistical information on how this has impacted the incidence of cybercrime in practice, and in particular cybercrime by minors.

Answer:

In 2019:

Never before have so many cybercrimes (computer crimes) been registered in Estonia. A distinction must be made between computer fraud (§ 213 of the Penal Code) and computer data and system crimes (§§ 206–207; 216' – 217 ') - the latter are more complex in nature and procedure. A typical computer crime is the seizure of a victim's online account, with the victim being predominantly a younger woman. However, in addition to young people, older people also fall victim to investment scams. Overloading of computer systems, etc. accounted for a small (5%) but large share of cybercrime. The crime of computer fraud was reported 768 times and interference with computer data and systems 197 times. Yet, minors are rarely offenders.

The number of offenses committed by minors increased in 2019. The most common crimes for minors are theft and physical abuse, and the most common misdemeanors are alcohol consumption, petty theft, small-scale drug handling and smoking. More crimes of physical abuse, drug offenses, threats and less arbitrary use and robbery were recorded as crimes. Serious crimes against life and health committed by minors are exceptional. Same is with registered cybercrimes.

In 2020:

While other crime is declining, cybercrime continued to rise. Compared to the previous year, the number of computer crimes increased by 12%. The number of high-impact computer crimes (eg server attacks, data blocking, DDoS attacks disrupting web traffic) accounted for about 3% of computer crimes. Younger women are the victims of the most common computer crimes (fraudulent calls, seizure of e-mail and social media accounts), and the majority of victims of fraudulent calls are in Russian. The offenders are adults, rarely are minors involved.

The number of offenses committed by minors decreased in 2020: the number of offenses by 29% and the number of misdemeanors by 13%. For the first time, the number of juvenile delinquencies fell below 1,000. The most common crimes of minors are theft and physical abuse.

In 2021:

The number of computer crimes (cybercrime) is still on the rise, especially in the case of computer fraud, which was 63% higher than a year earlier. A large proportion of them (37%) are fraudulent calls. Compared to 10 years ago, the number of computer crimes has tripled. There are more and more attacks on cryptographic accounts and demanding ransom for decrypting various servers or accounts. In addition

to digital domestic violence, where each other's accounts are seized, there is also digital bullying and retaliation at work, where videos are posted to a hijacked account or, for example, Facebook account passwords are not given to a former partner, etc. The crime of computer fraud was reported 1346 times and interference with computer data and systems 250 times. Yet, minors are rarely offenders. In 2021 there was a new occurrence, where minors were involved – There were 3% of cases taking over teachers' school related or grading accounts by students.

The number of offenses committed by minors in 2021 fell to its lowest level in a decade. The number of juvenile delinquencies decreased by 8% and remained below 1,000 for the second year in a row, and the number of misdemeanors decreased by 19% to less than 3,500. Almost all common juvenile offenses were recorded less than before. The largest decreases were in drug-related offenses (-41%), thefts (-18%) and physical abuse (-17%). Arbitrary use of property was recorded three times and robbery twice as few. Traffic violations of light traffic requirements increased slightly; in particular, infringements of the electric scooter increased. Most common offences are still theft and physical abuse, cybercrimes rarely occur.

As in general, minors are rarely involved in cybercrimes (that are reported to the police), there is not much data or statistics available of their involvement in cybercrimes. So, either, children are more likely to be the victims of cybercrimes than the offenders, or, cybercrimes committed by minors gets reported less often than that of the general populations. The latter is rather possible when talking about offences related to cyberbullying and sex crimes where the offender is also a minor/a peer.

Question 20: Do you have any other comments to make that may be relevant to your jurisdiction?

Answer:

Two main issues. Firstly, the crime 178¹ if the [Penal Code](#) (**Agreement of sexual purpose for meeting with child**) does not include online meetings and hence does not address one of the most pressing concern – when the crime takes place fully online.

The biggest issue is probably with the lack of specific provisions to criminalize cyberbullying. If feel all the other provisions in the Penal Code are sufficient, but cyberbullying (and bullying in general) is not criminalized, though when reaching certain threshold, it should. As the practice has shown, it can be very serious and have significant consequences for victims.