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NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
E S T O N I A ?

Country Monitoring Reports
and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

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⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

The Gender Equality Department (hereafter: GED) of the Ministry of Social Affairs serves as the national governmental body responsible for gender issues. The department deals with the development of politics, strategies and measures for reducing gender inequality and promoting gender equality in all areas of life. GED has responsibility for implementation of the *National Plan of Action for Combating Trafficking in Women in Estonia* and for development of the *National Plan of Action for Domestic Violence*.⁵

GED promotes gender equality and combats all forms of violence against women, especially prostitution and trafficking in women. The department's projects in the field of violence against women are financed by various sources such as the EU and the Nordic Council of Ministers Information Office in Tallinn. Principal personnel are chief specialists Kristiina Luht and Katri Eespere.

There are no special governmental institutions or bodies in charge of the coordination or implementation of measures to combat violence against women.⁶ GED plays a role in monitoring progress in gender equality issues generally but it does not conduct research in this field.

1.2 National action plans and other policy documents

The Gender Equality Act⁷ was passed by the Estonian Parliament on April 7, 2004. An inter-ministry commission for the promotion of gender equality was formed which at present is drafting a national development plan for gender equality until 2008. The action plan shall serve as a template for the allocation of tasks among ministries in the solving of complex problems. These tasks include, but are not limited to, the elimination of horizontal and vertical gender segregation within the labor and education markets, abolition of dated stereotypes from school textbooks, and combating of violence against women. Emphasis will be placed on increasing public

⁵ Information from Katri Tammekand, advisor and Katri Eespere, chief specialist, Estonian Ministry of Social Affairs, Gender Equality Department (www.sm.ee in Estonian, English, and Russian).

⁶ *Ibid.*

⁷ See: www.riigiteataja.ee/ert/act.jsp?id=738642 (in Estonian).

awareness and training. As part of these efforts the following major projects are being launched:

- supporting women in making economic decisions;
- emphasizing the role of mass media in shaping of power relationships;
- training civil servants in the integration of gender issues within action plans; and
- developing methodologies for the evaluation of gender-related phenomena.

The Ministry of Justice just recently completed a special *National Plan of Action for Combating Trafficking in Women in Estonia (for 2005–2006)* and the Gender Equality Department with the Inter-Ministerial Commission is currently developing a *National Plan of Action for Combating Domestic Violence (for 2006–2007)*.⁸ At present, no other policy documents address the subject of violence against women, either in general terms, or in any of its various forms.⁹

1.3 State monitoring of existing legislation and policies

At present no state mechanisms exist for the systematic review of existing legislation and policies concerning violence against women, or for the reporting of the state's progress thereof.¹⁰

1.4 State budget earmarked for combating violence against women

For the first time in 2006, the state budget allocated 1 million kroons (64,000 euros) for combating violence against women. All of these funds were allocated to the shelter in Tallinn. There are no funds budgeted for any other institutions in the fight against violence against women in any of its various forms.¹¹

There are no funds in the state's annual budget for the support of NGOs working in the field of violence against women.¹² There are no state funds budgeted for the support of NGOs in general, either.

⁸ Information from Kristiina Luht and Katri Eespere, chief specialists, Estonian Ministry of Social Affairs, Gender Equality Department.

⁹ Information from Kristiina Luht, and Katri Tammekand, advisor, Estonian Ministry of Social Affairs, Gender Equality Department.

¹⁰ Information from Kristiina Luht, Katri Eespere, and Katri Tammekand, *ibid*.

¹¹ Information from Katri Tammekand, *ibid*.

¹² *Ibid*.

1.5 State financing system to compensate victims

The Act on Victim Support¹³ was approved in Estonia on December 17, 2003. This act regulates the state's infrastructure for victim support and procedures for the state's compensation of crime victims.¹⁴ Compensation is provided in cases where acts are committed against another person's life or health, and where the injured person dies, sustains serious damage to his or her health, or sustains a health disorder lasting for at least six months.¹⁵ The amount of compensation shall be determined on the basis of

¹³ See: www.legaltext.ee/text/en/X80012.htm (in English).

¹⁴ Article 7 on "The extent of compensation"

(1) Compensation shall be paid to victims of crimes of violence committed in the territory of the Republic of Estonia and to their dependents and to persons specified in subsection 9(4) of this Act.

(2) Compensation shall be paid to the victim of a crime of violence committed abroad if the victim is (a) an Estonian citizen; (b) out of the country for reasons related to educational studies, employment, service duties, or for good cause; and (c) not entitled to similar compensation under the laws of the country where the crime was committed. If the victim dies, compensation shall be paid to a dependant who was a permanent resident of the Republic of Estonia at the time the crime of violence was committed.

¹⁵ Article 8 on "Crimes of violence"

(1) For the purposes of the Act on Victim Support, a crime of violence is an act committed against the life or health of a person, which is punishable pursuant to criminal procedure and as a result of which the injured person:

- 1) dies;
- 2) sustains serious damage to his or her health; or
- 3) sustains a health disorder lasting for at least six months.

(2) Action which is taken by an injured person or a third party to prevent a criminal offense, apprehend a criminal offender or assist a victim of crime, and which results in one of the consequences specified in subsection (1) of this article, is also deemed to be a crime of violence.

(3) Acts specified in subsection (1) or (2) of this article are deemed to be crimes of violence even if:

- 1) the offender is incapable of guilt;
- 2) the offender has not been identified or apprehended; or
- 3) the offender cannot be convicted for other reasons, but the evidence collected with regard to the criminal matter suggests that a crime of violence has been committed.

the material damage caused by a crime of violence.¹⁶ According to Article 15, the maximum amount of compensation payable to one victim and his/her dependants is 50,000 kroons (3,300 euros).

The purpose of victim support services is to maintain or enhance the coping capability of persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse. A total of 35 victim support officials are employed in the social affairs boards of all counties. Their functions include support to crime victims during trial preparation and the assignment of support personnel, if necessary.¹⁷

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

Estonia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) in 1991. Estonia's first, second, and third reports were jointly completed in 2000. They were reviewed at the CEDAW Committee session at the start of 2002. The Committee pointed out as shortcomings the relative weakness of the state system for ensuring gender equality and the insufficiency of resources allocated to, involvement in, and support for women's

¹⁶ Article 10 on "The bases for determining amounts of compensation"

(1) The amount of compensation shall be determined on the basis of the material damage caused by a crime of violence, as follows:

- 1) damage arising from incapacity to work;
- 2) expenses for medical treatment of the victim;
- 3) damage arising from the death of the victim;
- 4) damage caused to clothing and to eyeglasses, dentures, contact lenses, and other such physical assistive or corrective devices; and
- 5) the victim's funeral expenses.

(2) Any amounts which a victim, his or her dependent, or a person specified in subsection 9(4) of this Act (hereinafter "applicant for compensation") receives, or is entitled to receive, as compensation for damages resulting from a crime of violence, and which is from a source other than the person liable for the damage caused by the crime, shall be deducted from the damage serving as the basis for determining the amount of compensation. In determining the amount of compensation, the compensation paid to the applicant by the person liable for the damage caused by the crime shall be taken into account in determining the amount to be paid under this Act.

(3) The amount of compensation shall be equal to 70 percent of the material damage specified in clauses (1)–(4) of this subsection.

(4) The procedure for calculating the amount of compensation shall be established by the Government of the Republic.

¹⁷ Information from Katri Tammekand, *ibid.*

organizations. The fourth periodic report has already been submitted to the Committee, but it has not yet been reviewed.¹⁸

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

No Estonian legislation addresses violence against women, either in general terms, or in any of its various forms. Estonian legislation does not include terms such as ‘violence against women’, ‘abuse of women’ or ‘domestic violence/abuse’. Existing laws do not include a specific charge of violence (abuse) in marriage/cohabitation or of violence against women.

The Ministry of Justice is drafting protective orders and similar relief provisions for the benefit of victims, including victims of violence against women.¹⁹ There are differing opinions as to such key principles as conditions, sanctions, and timeframes.

2.2 Applicable provisions in criminal law

2.2.1 Criminal offences

The Estonian Penal Code does not use the term ‘domestic violence’. The Penal Code came into force on September 1, 2002, and crimes involving violence against women basically are concentrated in Chapter 9 on “Offenses against the Person”; Division 2 on “Offenses against Health”; Subdivision 1 on “Offenses Hazardous to Health”; Subdivision 2 on “Acts of Violence”; and Division 7 on “Offenses against Sexual Self-Determination”. This list, however, cannot be considered exhaustive as criminal practice may include interconnected cases of domestic violence, which could be liable to punishments listed under other articles of the special part of the Penal Code.²⁰

¹⁸ See: www.ohchr.org/english/issues/women/rapporteur/.

¹⁹ Information from Raul Heido, prosecutor, Southern Circuit Prosecutor’s Office (www.kohus.ee; www.legaltext.ee).

²⁰ Raul Heido, *ibid.*

All violence is penalized in Estonia, including cases in which it is perpetrated or condoned by the state or its officials. All provisions and sanctions of the Penal Code apply,²¹ including those cases in which a state actor commits a crime.

The Act on Gender Equality (RT I, 2004, 27, 181) was passed by the Estonian Parliament on April 7, 2004. The Act contains a definition of sexual harassment, but it does not include any preventive or punishment measures. Article 3 of the Act defines sexual harassment as follows: “sexual harassment’ occurs where, in any subordinate or dependent relationship, any form of unwanted verbal, non-verbal, or physical activity or conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating a disturbing, intimidating, hostile, degrading, humiliating, or offensive environment and the person rejects or submits to such conduct as a direct or indirect prerequisite for acquisition or maintenance of employment, participation in training, receipt of remuneration, or any other advantage or benefit.”²²

2.2.2 Criminal procedures and prosecution

Cases of violence can be treated in Estonia as offenses against the person or as misdemeanors, pursuant to the Penal Code in force as of September 1, 2002. Until July 1, 2004, cases of domestic violence were investigated according to provisions concerning private charges. Investigations were obstructed by the victims’ frequent retraction of charges, which led to the termination of investigations. The new Code of Criminal Procedure, which abolished private charges in their entirety, came into force on July 1, 2004. Under the new code, the police are legally obligated to record and investigate all reported cases. Due to the abolition of private charges, a victim’s statement is no longer required in order for the investigation of domestic violence cases to proceed.

However, the Estonian police often lack the motivation, resources, and time for pursuing preliminary investigations, and in such instances cases are closed due to insufficient evidence. Even if the cases reach the court, the abuser frequently receives a suspended sentence for causing bodily harm, which results in the abuser receiving punishment without sanctions, which effectively equates to admonishment.²³

As of July 1, 2004, all cases of violence, including violence against women and children, are prosecuted in the name of the state, in the public interest. No aggravating or mitigating factors are deemed applicable to violence against women in Estonia, and

²¹ Raul Heido, *ibid.*

²² Information from Katri Eespere and Katri Tammekand, *ibid.*

²³ *Ibid.*

violence against women itself cannot be treated as an aggravating or a mitigating factor or qualified case of a criminal offense.²⁴

As of July 1, 2004, the Code of Criminal Procedure offers opportunities for the application of simplified proceedings, by virtue of the creation of two new forms of simplified proceedings: alternative proceedings and summary proceedings.

The grounds for application of alternative proceedings are provided for in Article 233 of the Code of Criminal Procedure.²⁵ Pursuant to Article 233(1) of the Code of Criminal Procedure, adjudication of a criminal matter by means of alternative proceedings, as a rule, is carried out on the basis of the materials contained in the criminal file alone and without the testimony of witnesses or experts. The motivation for the accused to request such proceedings is provided in Article 238(2) of the Code of Criminal Procedure. If the alternative proceedings result in conviction, the court shall reduce the principal punishment to be imposed on the accused by one-third.

In the case of alternative proceedings, the accused shall be present at court and may request that he or she be interrogated according to the principles of cross-examination. The accused, however, may not testify in a manner different to his or her testimony in the pre-trial proceedings, as the principal requirement of alternative proceedings is that adjudication be based on the materials contained in the criminal file. If the accused wishes to provide testimony different from that which he or she offered during the course of pre-trial proceedings, general procedures shall be reinstated.

Accordingly, the alternative proceedings can be applied in cases concerning domestic violence if the accused and his or her counsel understand that the sentence legally could be reduced by one-third.

²⁴ *Ibid.*

²⁵ Article 233 on “Alternative proceedings”

- (1) are applied at the request of the accused and with the consent of the Prosecutor’s Office;
- (2) shall not be applied in the case of a criminal offense for which life imprisonment is prescribed as punishment; and
- (3) shall be applied in the case of a criminal matter where several persons are accused if and only if all accused persons consent.

The procedures applicable to settlement proceedings are set forth in Article 239 of the Code of Criminal Procedure.²⁶ The July 1, 2004, amendments to the Code of Criminal Procedure did not alter settlement proceedings as a form of simplified proceedings. The rules and procedures applicable to these proceedings remain unchanged. Within settlement proceedings the prosecutor's office reaches a settlement with the accused and his/her counsel under which the accused pleads guilty to the crime(s) and agrees to the punishment which is requested by the prosecutor's office. In a court proceeding, the judge verifies that the accused has consented to the settlement and, specifically, to the guilty plea and punishment. The accused is then declared to be guilty, pursuant to the settlement terms, without further consideration of the case by the court.

Within settlement proceedings, examination by the court shall not be complete. Unlike in alternative proceedings, either the accused or the prosecutor's office can initiate settlement proceedings.

The likelihood of settlement proceedings being sought in cases of domestic violence is largely dependent upon on the accused's and his/her counsel's assessment of guilt. In large measure, the motivation of the accused to agree to settlement proceedings is dependent upon his/her emotional state and the prospect of a public court proceeding in which his/her abuse of a spouse and/or children will be revealed.

Conditions for the application of summary proceedings are stipulated in Article 251 of the Code of Criminal Procedure.²⁷ Under summary proceedings, a criminal case is settled by a judge without examination by the court and in the absence of the accused.

²⁶ Article 239 on "Settlement proceedings"

- (1) in the case of a criminal offense in the first degree for which the least possible punishment is at least four years' imprisonment or for which the most severe punishment prescribed is life imprisonment;
- (2) if the accused, his or her counsel, or the prosecutor's office does not consent to the application of settlement proceedings;
- (3) in the case of a criminal matter where several persons are accused and at least one of the accused does not consent to the application of settlement proceedings; or
- (4) if the victim or the civil defendant does not consent to the application of settlement proceedings.

²⁷ Article 251 on "Summary proceedings"

- (1) in cases of a criminal offense in the second degree (i.e., maximum prescribed prison sentence of five years or pecuniary punishment), if the facts relating to a subject of proof are well-established (e.g. when the abuse of a woman has been witnessed by a number of individuals and the injuries caused were recorded pursuant to a forensic medical examination);
- (2) when initiated by the prosecutor;
- (3) when the prosecutor seeks pecuniary punishment; and
- (4) when the accused is not a minor.

A court judgment prepared pursuant to summary proceedings cannot be contested; however, the accused may appeal within ten days of receipt of the court's judgment. The result of such an appeal is that the court shall try the criminal matter pursuant to general procedure.

Summary proceedings can, in principle, be applied to cases of domestic violence. However, there can be no certainty that the accused would accept the prosecutor's recommendation regarding pecuniary punishment. Therefore, it is unlikely that summary proceedings would be widely applied to domestic violence cases. In such instances, settlement proceedings are significantly more practical, as the prosecutor's office would have both the opportunity and the necessity of meeting with the abuser before deciding on a possible punishment. Such a meeting also has a deterrent effect on the abuser.²⁸

2.3 Applicable provisions in civil and family law for cases of violence against women

There are no special provisions within the Estonian civil and family law for cases of violence against women, either generally, or in any of its various forms. For example, the laws governing divorce, child custody, housing, etc. do not address instances of domestic violence.

2.4 Victim protection and protection of witnesses

Several recommendations address the protection of crime victims. Procedural rules must protect the victim from secondary psychological victimization, i.e., by state officials. Such rules include those enumerated below, in the absence of which the primary task of the criminal proceedings – to solve the crime and to punish the guilty party – cannot be accomplished.

The Act on Witness Protection establishes:

- legal grounds for the central criminal police to protect witnesses who cooperate with the authorities;
- the legal right to hide important witnesses; and
- a witness protection unit, which has the authority to provide a witness with such protections as expedited border crossings, a new identity, social guarantees, a residence and employment in a foreign country, and plastic surgery.

²⁸ Raul Heido, *ibid.*

Witness protection is needed for:

- accidental eyewitnesses of serious crime;
- individuals with ties to organized crime; and
- police investigators, prosecutors, and judges receiving work-related threats.

Such protection is offered to an estimated 3-8 persons each year.

Article 2 of the Act on Witness Protection determines the principles of witness protection. In determining a given witness's eligibility for protection, the gravity of the criminal offense in question, the significance of the evidence given by the witness in the criminal matter, and the degree of risk to the witness are taken into account. Witness protection measures may be applied to a person only with the consent of that person or his or her legal representative or guardian. Article 5 lists the persons to be placed under witness protection.²⁹ Article 6 regulates the conditions for the application of witness protection;³⁰ while Article 7 Protection measures in cases of urgency.³¹

²⁹ Article 5 on "Persons placed under witness protection"

The following persons are to be placed under witness protection:

- (1) protected persons;
- (2) family members and close relatives of protected persons; or
- (3) persons with respect to whom an agreement is entered into between the witness protection authority in the Republic of Estonia and a foreign competent authority or an international organization for the application of witness protection pursuant to international agreements.

For the purposes of this Act, the following are deemed to be protected persons:

- (1) persons who may know facts relating to an issue of proof in a criminal matter and who are under actual risk of falling subject to unlawful influence; or
- (2) officials of investigative bodies, prosecutor's offices, and courts (hereinafter "persons conducting proceedings") who are under actual risk of (a) falling subject to unlawful influence aimed at forcing the person conducting the proceedings either to act in an impartial manner or to waive their exercise of the rights or obligations arising from that person's office, or (b) falling victim to acts of vengeance for those acts performed in the exercise of that person's official duties.

³⁰ Witness protection shall be applied if:

- (1) a person who may know facts relating to a subject of proof in a criminal matter is under actual risk of falling subject to unlawful influence and that person consents to cooperate with the witness protection authority; or
- (2) a person conducting the proceedings is under actual risk of falling subject to unlawful influence specified in Article 5(2)(2) of this Act and that person consents to cooperate with the witness protection authority.

Witness protection is applied on the basis of a witness protection agreement provided for in Article 14 of this Act, with the written consent of the person placed under witness protection.

Article 67 of the Code of Criminal Procedure on “Ensuring the safety of witnesses” provides possibility for the victims to remain anonymous.³²

In the Code of Criminal Procedure the following provisions may be relevant:

- Article 12 on “Restrictions on public access to court sessions” regulates the conditions of holding *in camera* court sessions.³³ *In camera* hearing may be order either on a court’s own initiative, or at the request of a party.
- Article 69 regulates long-distance hearing. This may be applied by technical means or telephone in order to protect the witness or the victims.³⁴

³¹ “Article 7(1) If there is an actual risk that a person specified in article 5 of this Act may fall subject to unlawful influence before the witness protection agreement can be entered into and any delay in taking the person under protection would hinder the truth from being ascertained in criminal proceedings, the investigative body conducting the criminal proceedings shall, with the consent of the protected person, request immediate application by the witness protection authority of protective measures specified in articles 18(1)(1) and 18(1)(6) of this Act for the physical protection of the person’s health or property.

(2) The witness protection authority shall initiate the application of protection measures specified in paragraph (1) of this article without the consent of the person in question for purposes of that person’s protection if that person, due to his or her temporary physical or mental status or whereabouts, is not able to give consent or it is not possible to request the consent of that person’s legal representative or guardian. Under these circumstances, the application of protective measures shall be subject to legal restrictions. (...)”

³² “Article 28(1) Taking into account the gravity of a criminal offense or the exceptional circumstances relating thereto, a preliminary investigation judge may, at the request of the prosecutor’s office, rule that a witness may remain anonymous, so as to ensure the safety of the witness.

(...)(3) A fictitious name shall be assigned to an anonymous witness on the basis of the ruling on anonymity, and this name shall be used in procedural acts pursuant to article 146(8) of this Code.

(...)(5) In court proceedings, a witness bearing a fictitious name shall be heard by telephone pursuant to the procedure provided for in article 69(2)(2) of this Code, using voice distortion equipment, if necessary. Questions also may be submitted to the witness in writing.”

³³ “Article 12(1) A court may declare that a session or a part thereof be held *in camera*:

- 1) in order to protect a state or business secret;
 - 2) in order to protect morals or the private and family life of a person;
 - 3) in the interests of a minor;
 - 4) in the interests of justice, including in cases where public access to the court session may endanger the security of the court, a party to the court proceeding, or a witness.
- (2) A court shall adjudicate restrictions on public access to a court session on the grounds provided for in paragraph (1) of this article by a ruling made on its own initiative or at the request of a party to the court proceeding. (...)”

Each Estonian police department has special rooms designated for the questioning of victims, and there are rooms equipped for *in camera* hearings in each of Estonia's three largest cities: Tallinn, Tartu, and Pärnu. No data exists as to how many violence against women cases have been heard in these rooms.³⁵

No special provisions in the law provide for the protection of data in cases of violence against women. Personal data is protected by the Act on Personal Data Protection.³⁶

Special provisions for children can be found in Article 70 of the Code of Criminal Procedure, including rules concerning the testimony of witnesses who are minors. A witness under the age of 14 shall be heard in the presence of a child protection official, social worker, or psychologist. The body conducting the proceedings may involve a child protection official, social worker, or psychologist in the hearing of a minor over 14 years of age as well.³⁷ There are no provisions in the law for professional confidentiality in cases of sexual violence against children.³⁸

There are no special provisions in the law for the protection of the professionals and other service providers dealing with violence against women cases.³⁹

For the protection of female trafficking victims, the Baltic states' common witness protection program can be applied in accordance with the Act on Witness Protection.⁴⁰

³⁴ "Article 69(1) In the course of proceedings, a judicial body may arrange for long-distance testimony of a witness if the presence of the witness would be difficult or involve excessive cost or if it is necessary to protect the witness or the victim.

(2) For the purposes of this Code, "long-distance testimony" means testimony offered:

1) by technical means which permit the participants in the proceeding (a) to see and hear the witness via live coverage as he/she offers testimony in a place external to the investigative body, prosecutor's office, or court and (b) to question the witness through that person conducting the proceedings; or

2) by telephone, such that the participants in the proceeding (a) are able to hear the witness as he/she gives testimony in a place external to the investigative body or court and (b) may question the witness through the person conducting the proceedings.

(3) Long-distance testimony by telephone is permitted only with the consent of both the person to be heard and the suspect or accused. However, the consent of the suspect or accused is not necessary in the case of an anonymous witness.

(4) The minutes of a long-distance hearing shall contain a notation that the witness has been cautioned against refusal to testify without a legal basis and against knowingly false testimony. (...)"

³⁵ Information from Joosep Kaasik, police director, West Estonian Police Prefecture (www.pol.ee); Raul Heido, *ibid.*

³⁶ See: www.legaltext.ee.

³⁷ Article 70 of the Code of Criminal Procedure (www.legaltext.ee).

³⁸ Information from Katri Tammekand, *ibid.*

³⁹ Raul Heido, *ibid.*

2.5 Legal assistance and representation for the victims of violence against women

Free legal aid from the state is the provision of legal services to a natural or legal person by and at the expense of the state, on the basis of and pursuant to procedures provided for in the law. The aim of providing legal aid is to ensure the timely and adequate availability of competent and reliable legal services for all persons. Provision of legal aid is governed by the Act on Legal Aid.⁴¹

The types of legal aid shall be:

- appointed counsel in criminal proceedings;
- representation of a person in pre-trial and court proceedings of a criminal matter;
- counseling of a person in extra-judicial and court proceedings of a misdemeanor;
- representation of a person in pre-trial and proceedings of a civil matter;
- representation of a person in an administrative court procedure;
- representation of a person in administrative proceedings;
- representation of a person in execution proceedings;
- preparation of a legal document; and
- provision of any other legal advice to or any other legal representation of a person.

It is possible for victims in legal proceedings to access legal representation and assistance through public or private organizations working in the field. Such services are provided by such NGOs as women's shelters and self-help groups throughout Estonia and are financed by various nongovernmental organizations. Any woman who is a victim of violence and requires assistance is able to take advantage of these services.⁴²

⁴⁰ *Ibid.*

⁴¹ See: www.riigiteataja.ee/ert/act.jsp?id=778930.

⁴² Information from Ministry of Justice (www.just.ee); Tartu Women's Shelter (www.naisteabi.ee).

2.6 Providing information for victims about their rights, obligations, and the services available

Article 38 of the Code of Criminal Procedure contains the rights and obligations of victims.⁴³ The victim in a proceeding has a right to obtain, and the authorities have an obligation to provide, information as to their rights and obligations and as to those services which offer assistance to victims.⁴⁴

The filing of a civil action seeking compensation for proprietary damage in a criminal proceeding is exempt from state fees.

2.7 Mainstreaming women's safety in laws and regulations of the national, regional, and urban planning

The issues of violence against women and women's safety are not reflected in the laws, regulations, and guidelines which pertain to national, regional, and urban planning.⁴⁵

⁴³ According to Article 38(1) "A victim has the right:

- 1) to contest a refusal to commence or terminate criminal proceedings, pursuant to the procedure provided for in Article 207 and 208 of this Code;
- 2) to file a civil action before termination of examination by a county or city court;
- 3) to give, or refuse to give, testimony on the bases provided for in Article 71–73 of this Code;
- 4) to submit evidence;
- 5) to submit requests and complaints;
- 6) to examine the report of procedural acts and give statements as to the conditions, course, results, and minutes of the procedural acts, with record being made of such statements;
- 7) to examine the contents of a criminal file, pursuant to the procedures provided for in Article 224 of this Code;
- 8) to participate in the court hearing; and
- 9) to consent to, or refuse to consent to, the application of settlement proceedings; to present an opinion regarding the charges, punishment, and the damages set out in the charges and the civil action.

(2) A victim is required:

- 1) to appear when summoned by an investigative body, prosecutor's office, or court; and
- 2) to participate in procedural acts and obey the orders of investigative bodies, prosecutor's offices, and courts."

⁴⁴ This information is available in Estonian, English, and Russian on the websites of various ministries such as the Ministry of Social Affairs (www.sm.ee) and the Ministry of Justice (www.just.ee), and on the websites of various NGOs such as the Tartu Women's Shelter (www.naistetugi.ee – in Estonian).

⁴⁵ *Ibid.*

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

In Estonia no special laws, codes, or guidelines exist to govern professionals handling cases of violence against women. The Code of Criminal Procedure includes general rules for the hearing and treatment of all victims, male and female alike, as well as for the collection of evidence and information.⁴⁶

3.2 Legal regulations of inter-agency cooperation

In Estonia there is no legal requirement for multi-agency coordination or for the cooperation of different authorities.⁴⁷

3.3 Medium- and long-term coordinated action plans for the different professions

In Estonia there are no coordinated medium- or long-term action plans governing the various professions in the field of violence against women.⁴⁸

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

In Estonia no forum exists for active cooperation between state authorities and NGOs working in the field of violence against women.⁴⁹

Estonia has no systematic mechanism to involve the NGOs working in the field of violence against women in the design, drafting, implementation, or evaluation of laws and policies.⁵⁰

⁴⁶ Ministry of Justice www.sm.ee; www.legaltext.ee.

⁴⁷ Information from various sources summarized by Helve Kase, sociologist, Estonian Institute for Open Society Research.

⁴⁸ *Ibid.*

⁴⁹ Helve Kase, Katri Tammekand, *ibid.*

⁵⁰ Helve Kase, *ibid.*

3.5 Leading NGOs working in the field of violence against women in the country

- *Estonian Institute for Open Society Research (EAÜI), Women's Studies Department*
Focus: gender equality and all forms of violence against women, including domestic and sexual violence, prostitution, and trafficking in women. Project-based. Various finance sources.
Main experts: Iris Pettai, Ph.D., sociologist, chairperson of the Department of Social Studies (iris.pettai@neti.ee); and Helve Kase, sociologist, chairperson of the Department of Women's Studies (helve.kase@mail.ee).
- *Estonian Women's Studies and Resource Center (ENUT)*
Focus: Gender equality, prostitution, and trafficking in women. Project-based. Various finance sources. (www.enut.ee – in Estonian and English)
Main experts: Ilvi Jõe-Cannon, acting administrative director; Marion Pajumets, sociologist.
- *Estonian Social Programs Center*
Focus: Gender equality, domestic violence, self-help groups for women, and victims of violence. Project-based. Various finance sources. (www.sotsiaalprogrammide.ee – in Estonian)
Main expert: Katri Tammekand, director.
- *Tartu Women's Shelter*
Focus: domestic and sexual violence. Project-based. Various finance sources. (www.naistetugi.ee – in Estonian, English, Russian, and German)
Main expert: Sirje Otstavel, specialist.
Other experts: Joosep Kaasik, police director, West Estonian Police Prefecture (www.pol.ee); Uno Traat, criminologist, lecturer, Tallinn Police College (<http://politsei.sisekaitse.ee>); and Raul Heido, prosecutor, Southern Circuit Prosecutor's Office (www.kohus.ee).
- *AIDS Prevention Center*
Focus: trafficking in women. Project-based. Various finance sources. (www.aids.ee – in Estonian, English, and Russian)
Main expert: Sirle Blumberg, specialist.
- *Living for Tomorrow*
Focus: trafficking in women, trafficking victims hotline. Project-based. Various finance sources. (www.lft.ee – in Estonian, English, and Russian)
Main expert: Liliya Ivanchenko, specialist

- *AIDS Support Center*
Focus: trafficking in women (www.tugikeskus.ee – in Estonian, English, and Russian).
Main expert: Juri Kalikov, center administrator.
- *Tallinn Women’s Shelter*
Focus: domestic violence, victim support. (www.naisteabi.ee)
- *Jõhvi Women’s Shelter*
Focus: domestic violence, victim support.
- *Family Aid Center of Pärnu*
Focus: domestic violence, victim support (www.pereabikeskus.ee).
- *Family Aid Center of Jõhvi*
Focus: domestic violence, victim support (www.pesa.ee).
- *Tartu Child Support Center*
Focus: trafficking in children, sexual abuse of children (www.tugikeskus.org.ee).
Main expert: Ruth Soonets, center administrator.
- *Eluliin*
Focus: domestic violence, victim support, and trafficking in women (“Atoll” center) (www.eluliin.ee).
Main experts: Eda Mölder and Roman Krõlov.

The principal sources of funding for the above NGOs are project-based. Support also is provided by local municipalities, primarily in the form of space.

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

There are no special law enforcement agency units or officials dealing with cases of violence against women in its various forms. However, there are special prosecutors. Victims have the opportunity to be heard by a female officer if they wish so. There is no need to increase female police staffing for this purpose, as a very high proportion of Estonian police officers are women.⁵¹

⁵¹ Raul Heido, *ibid.*

5. AVAILABLE SERVICES

5.1 Shelters

Three special shelters exist in Estonia for the victims (with or without children) of violence against women in all its forms. These shelters are located in Tartu (southern Estonia, operates since 2002), Tallinn (northern Estonia, operates since 2005), and Jõhvi (eastern Estonia, operates since 2006). Altogether, the shelters have space for about 40 victims (versus a total population of 1.3 million). The shelters are free of charge and are available 24 hours. They provide first aid as well as psychological, social, and legal aid. Each shelter has a staff of two: mostly social workers or psychologists. The shelters are NGO-based, financed by various sources (local or city governments and other organizations). Some activities of these shelters are project-based. The Tallinn shelter received government funding of 1 million kroons (64,000 euros) for 2006. Other shelters exist in Estonia as well. There are three shelters for children, in which their mothers may stay with them.⁵² No codes of conduct or regulations govern the operation of these shelters. Permitted lengths of stay vary and reflect the residents' needs – three months to one year.

5.2 Hotlines

Estonia has only one special hotline for victims of violence against women, which is specifically for victims of trafficking. This “Women’s Anti-Trafficking Hotline” is administered by the NGO Living for Tomorrow, located in Tallinn, and was established in 2004 October with support from the U.S. State Department. This project is now supported by the Embassy of England and the Embassy of the Netherlands. The project’s is comprised of two attorneys.

The hotline provides such information as:

- rules of entrance to both E.U. and non-E.U. nations for Estonian citizens, non-citizens, and foreign residents;
- possible consequences of illegal employment;
- legal employment opportunities;
- dangers of being sold into the sex trade;
- addresses and telephone numbers of foreign NGOs providing concrete information or assistance of Estonian diplomatic and consular delegations

⁵² Information from Sirje Otsavel, Tartu Women’s Shelter; Ülle Kalvik, Tallinn Women’s Shelter.

located abroad; of Foreign Representatives accredited in Estonia; and of Estonian state bodies and NGOs dealing with the prevention of trafficking;

- laws of foreign countries concerning foreigners, migrants, and trafficking in persons; and
- concrete advice to women who are leaving Estonia for the purpose of employment or study abroad.⁵³

5.3 Crisis intervention centers

There are no special crisis intervention centers for victims of violence against women in any of its various forms in Estonia.⁵⁴

5.4 Intervention programs for the perpetrators

There are no intervention programs for perpetrators in cases of violence against women in Estonia.⁵⁵

5.5 Other victim support services

Estonia does have functioning self-help groups for victims of violence against women – especially for victims of domestic violence. The nationwide network of support groups for domestic violence victims was first developed by the Estonian Center for Social Programs in 2003. There are, at present, nine support groups operating within the network, including three in Russian. These groups are located in Tallinn (where there is both an Estonian and a Russian language group), Jõgeva, Narva, Saaremaa, Pärnu, Tapa, and Tartu.⁵⁶

⁵³ AIDS Prevention Center (www.aids.ee in Estonian, English, and Russian); Living for Tomorrow (www.lft.ee).

⁵⁴ Information from Katri Tammekand, director, Estonian Social Programs Center (www.sotsiaalprogrammid.ee – in Estonian).

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula, and the availability of sex education programs

The curricula of Estonian elementary and secondary schools do not address the subjects of violence against women, gender prejudice and discrimination, and stereotyping of gender roles. No specific information exists in the school curricula regarding the rights of children or the institutions, services, and persons through which children can seek help.

Primary and secondary school curricula include the topics of family and sex education but do not address domestic violence.⁵⁷

6.2 Mandatory and other training programs for future professionals

There are no mandatory training programs – for example, in the universities or vocational schools – for future teachers, law enforcement personnel (e.g. police, prosecutors, and judges) or social service professionals (e.g. health, social, child and family service personnel) regarding violence against women in its various forms or about gender stereotyping, discrimination, and prejudice. However, Tallinn University does offer a special lecture entitled “Introduction to Gender Equality” on a voluntary basis of attendance.

In Estonia, there are no other training programs for future law enforcement professionals.

6.3 Mandatory and other training programs for practicing professionals

In Estonia, there are no mandatory training programs for practicing professionals.

In 2002 the Department of Social Affairs began conducting two-day seminars on trafficking in human beings. These sessions are available for teachers, vocational experts, social workers, and victim support workers. Training is conducted by IOM, in conjunction with the Estonian Women’s Studies and Research Center of the Department of Social Ministry and financed by the Nordic Council of Ministers Office in Estonia and the United States Embassy in Tallinn. No statistics exist as to how many people have received this training.

⁵⁷ Katri Tammekand, *ibid.*

The Estonian Institute for Open Society Research (EAÜI) has offered approximately 15 training programs on the issue of domestic violence for practicing professionals – including the police, prosecutors, judges as well as health, social service, child and family protection personnel. This program is financed by the Open Estonia Foundation and other sources. No statistics exist as to how many people have received this training.

The Tartu Women’s Shelter and the Estonian Social Programs Center have offered approximately 10–15 seminars, respectively, on the issue of domestic violence to various target groups. These groups include lawyers, doctors, and the police. The seminars are financed by the Open Estonia Foundation, PHARE, and other sources.

In 2005 PHARE, a cooperative program between Germany and the Estonian Ministry of Social Affairs, offered 15 two-day training sessions on gender equality (not including violence against women, though). One hundred and eighty employees of local governments and other government institutions participated in these sessions. The 17 instructors who conducted these sessions had participated in a four-week training program.⁵⁸

6.4 Gender equality issues in higher education curricula and human rights programs

Tallinn University offers a course entitled “Introduction to Gender Equality,” which includes a lecture on violence against women.⁵⁹

Estonian human rights education programs do not include the gender perspective (i.e. issues of gender equality).⁶⁰

⁵⁸ Information from Iris Pettai, Estonian Institute for Open Society Research; Ilvi Jõe-Cannon, Estonian Women’s Studies and Resource Center (ENUT); Katri Eespere; Katri Tammekand; Tartu Women’s Shelter.

⁵⁹ Iris Pettai, *ibid.*

⁶⁰ *Ibid.*

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the portrayal of women

There are no laws governing the media in Estonia.⁶¹

7.2 Guidelines and codes of conduct for media professionals

There are no guidelines or codes of conduct for media professionals on the issue of violence against women or which aim to promote a non-stereotyped image of women and men in Estonia.⁶²

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

There are two media watch organizations in Estonia. One is the Estonian Press Council which is an independent research center addressing complaints against the public media and drawing attention to problems concerning mass media ethics.

The other is the Estonian Newspaper Association. This is a self-regulatory body of the media, providing mechanisms by which members of the public can seek redress against the media and thereby reach out-of-court settlements.

Neither of the above two institutions currently addresses complaints concerning the abuse of women.⁶³

7.4 Training programs for media professionals on violence against women

There are no special training programs in Estonia for professional journalists which address violence against women. In 2004 the Estonian Women's Studies and Resource Center (ENUT) conducted two one-day training sessions for journalists on the issues

⁶¹ Information from Tiina Jõgeda, Estonian Television, Eesti ajakirjanike Liit (www.eal.ee – in Estonian); the Estonian Press Council (www.asn.org.ee in Estonian, English, and Russian); the Estonian Newspaper Association (www.eall.ee/pressinoukogu/index.html in Estonian, English, and Russian).

⁶² *Ibid.*

⁶³ *Ibid.*

of prostitution and trafficking in women. Both training sessions were project-based and were financed by the Nordic Council of Ministers.⁶⁴

7.5 Media activity in raising the awareness of the general public of violence against women

The Estonian media (written and electronic) have participated in information campaigns to alert the general public on the issue of violence against women, including the different types of violence against women and their consequences for the victims.

The two largest media campaigns were:

1. A public awareness campaign concerning trafficking in women, financed by IOM. The campaign was carried out in the form of social advertisements aired on television under the general title *They Trade You like a Doll*. The goal of the campaign was to inform women of the dangers involved in the trafficking in women.
2. The Estonian Social Programs Center public awareness campaign on domestic violence, entitled *When Love Hurts*. These social advertisements on domestic violence appeared on Estonia's three television stations, in the leading daily newspapers and in specialized publications such as *Terviseleht*. The campaign was financed by the EU PHARE Access 2002 program.⁶⁵

7.6 Analyses on violence against women in the media

There has been no analysis of the presence or presentation of violence against women or any one of its various forms in the media.⁶⁶

8. AWARENESS RAISING

8.1 Campaigns on violence against women

The following public awareness campaigns on the abuse of women have been carried out in Estonia during the last five years:

⁶⁴ Ilvi Jõe-Cannon, *ibid*.

⁶⁵ Information from Kirsti Pent, IOM Tallin; Katri Tammekand, *ibid*.

⁶⁶ Tiina Jõgeda, *ibid*.

1. 2002–2003 Joint Nordic-Baltic Campaign against Trafficking in Women

The Estonian partners in the campaign were two nongovernmental organizations: the Estonian Institute for Open Society Research (EAÜI) and the Women's Studies and Resource Center. The campaign was financed by the Nordic Council of Ministers. The goals of the Estonian campaign were to initiate a discussion on trafficking in women as a social problem and to change the prevailing attitudes in dealing with the issue. Other goals involved the mapping of Estonia's preparedness for recognizing human trafficking as a social problem and for combating it, as well as informing the strategically significant groups of society of the causes of the phenomenon and its attendant factors. As part of the program, ENUT carried out one qualitative survey, and EAÜI carried out five surveys among various target groups in order to map the situation in Estonia. Articles were published and several television and radio programs were broadcast on the issue.

ENUT conducted a follow-up of this campaign in 2003–2004, aimed at raising awareness on prostitution and trafficking in women. Among other measures, 36 lectures and seminars were offered throughout Estonia. The project was financed by the Nordic Council of Ministers.

2. Information Campaign against Trafficking in Women in the Baltic States

Sponsored by the International Organization for Migration (IOM), Helsinki IOM, and Vilnius IOM Offices in cooperation with the Tallinn IOM and Riga IOM Offices. The main goal of this campaign was to attract the attention of the populations of the Baltic States – especially potential victims as well as government institutions and NGOs – to the problems of human trafficking, for a better understanding of the issue and to mobilize the public against this vice. The main activities and results of the campaign were:

- social advertisements: *They Trade You like a Doll*; indoor and outdoor advertisements, public awareness spots on television and radio, and print media advertisements;
- informational materials, including brochures, booklets, and posters with advice and information;
- consultations via telephone with individuals intending to work abroad, potential human trafficking victims, and next of kins of missing persons;
- trainings including production of instructional documentaries and of lectures for secondary school students;
- reflection of the problem in the mass media including articles, interviews, and press conferences;

- cooperation among NGOs, government organizations, and foreign experts; and
- a campaign website.

3. *Spring 2005 Estonian Center for Social Programs*

Public awareness campaign against domestic violence called “When Love Hurts.” This campaign was conducted out via informational posters which invited women suffering from domestic violence to seek the help of shelters and support groups. The campaign also utilized the mass media. Social advertisements on domestic violence were aired on three Estonian television stations and printed in the leading daily newspapers and in specialized publications like *Terviseleht*. The campaign was financed by the EU PHARE Access 2002 program.⁶⁷

The effectiveness of the above campaigns has not been measured.

8.2 **Conferences and other awareness raising, information, and prevention programs**

The third women’s conference of the Baltic Sea nations called “Women and Democracy” took place in Tallinn on February 13–14, 2003. The primary organizer was Estonia’s Ministry of Social Affairs, and financing was provided by the Nordic Council of Ministers. Approximately 600 representatives of the governments of the Baltic States, Nordic countries, Russia, Poland, Germany and the U.S. as well as the NGOs and academia took part in the conference. The goal of the conference was to develop a dialogue among politicians, scientists, government officials, NGO representatives, and other experts so as to improve cooperation among all participants and to advance significant initiatives to promote the representation and influence of women in societal affairs. The conference discussed the participation of women and men in democratic processes within the following four principal domains: women in power and decision-making; women and the economy; violence against women; and women and the media.

In 2004 at the initiative of the Estonian Center for Social Programs, a special supplement of the national daily newspaper *Eesti Päevaleht* was published in connection with International White Ribbon Day, quoting all known Estonian specialists on domestic violence issues. This supplement was financed by the Estonian Health Insurance Fund.

On December 7, 2005, a conference took place in Tallinn entitled “New Masculinity” and addressing a broader paradigm of manhood. The Ministry of Social Affairs

⁶⁷ Ilvi Jõe-Cannon; Kirsti Pent; and Katri Tammekand, *ibid*.

organized this conference which aimed at taking a closer look at masculinity in today's society. While the position of women and the scope of their roles have expanded, due to gender equality work, the understanding of masculinity and men's roles has remained narrow and static. Participating for the first time in such an event were an extraordinary collection of speakers and activists, who have managed to bring the issue of masculinity to a wider audience internationally through the topics of power, responsibility, and fatherhood. Michael Kaufman, the founder of the White Ribbon Campaign, spoke about power and masculinity, Duncan Fisher, the founder of Fathers Direct, discussed modern fatherhood, and writer Rebecca Walker talked about the role of women in evolving masculinity.⁶⁸

8.3 Information materials for the victims about their rights and the services they can seek help

They Trade You like a Doll

As part of a 2002 IOM campaign, folders and brochures on trafficking in women were distributed throughout Estonia, under the theme *They Trade You like a Doll*. The information materials were available in Estonian, Russian, and English. This campaign was financed by IOM.

Abuse in Close Relations

The Estonian Institute for Open Society Research published a brochure for domestic violence victims entitled *Abuse in Close Relations* (compiled by Helve Kase, 100 pages, 900 copies), which provided a variety of information beginning with the causes of domestic violence and ending with a list of organizations providing aid. The brochure was published in Estonian and was also translated into Russian. It has been distributed principally among specialists dealing with domestic violence victims – police personnel, prosecutors, social workers, and medics. The brochure was financed by the Open Estonia Foundation.

Informational booklets

Various organizations and ministries of the Republic of Estonia have also issued informational booklets covering the rights of victims and providing instructions on handling oneself in court and in dealing with the police (e.g. the Council for Support of Victims at the Ministry of Social Affairs). However, these booklets contain generic information for victims of all kinds. These publications either do not address violence against women at all or discuss it in a general manner and provide no specific advice. For example, the *Crime Prevention Handbook* offers five sentences of counseling advice for domestic violence victims and addresses four sentences to rape victims.

⁶⁸ Katri Eespere; Katri Tammekand, *ibid*.

Websites

Women who are victims of abuse can find information on the internet on the websites of the following government agencies and NGOs: Tartu Naiste Varjupaik (Tartu Women's Shelter), Eesti Sotsiaalprogrammide Keskus (Estonian Center for Social Programs), Naisuurimus-ja Teabekeskus (Estonian Women's Studies and Resource Center), Eluliin (Lifeline), Hingeabi Assotsiatsioon Usaldus (Psychological Aid Association Trust), AIDSi ennetuskeskus (AIDS Prevention Center), Tartu Laste Tugikeskus (Tartu Children's Support Center), Kuriteo ohvrite toetamise ühing Ohvriabi (Crime Victims' Support Association), the Estonian Police, the Republic of Estonia Ministry of Social Affairs, and the Republic of Estonia Ministry of Justice.⁶⁹

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 Research programs and surveys

The extent and the consequences of violence against women have been recognized in Estonia only recently. As a result, the Estonian government's preparedness to address the problem is limited, and society is generally tolerant. Prevention of violence against women presumes three basic changes: (1) zero tolerance towards violence, (2) victim-centered approaches, and (3) the development of an integrated support network. Although violence against women cannot be eliminated through centralized action, the state must assume the leading role in the prevention of violence.

In 2001 the first national survey of domestic violence demonstrated that violence against women was spread extensively in Estonia, similarly to other countries. The number of physical and sexual assaults in Estonia each year is more than double that of the Nordic countries. Violence accounts for injuries of 44,000 women every year, including 6,000 cases of severe and life-threatening injuries (e.g. fractures, stabbing, and gashes). Violence presents a widespread social problem and a violation of human rights, and has a very high economic and social cost. The consequences are apparent both on the individual and the social levels. In Estonia, as in the other member countries of the European Union, it is necessary to establish state and public control of the processes shaping violence so as to offer assistance to the parties involved and to undergo systemic change for the prevention of violence and its consequences.

⁶⁹ Information from Kirsti Pent; Helve Kase; Katri Eespere, *ibid.*

I. Pettai and I. Proos (2001) *Violence against Women in Estonia*, Estonian Institute for Open Society Research

This is the first reliable research study on violence against women in which input was gathered from adults throughout Estonia, both men and women (ages 15–74); 535 women and 472 men participated in this study, 1007 people in total. Random sampling provided representation of Estonia as a whole. International methodologies were employed in this research, and questioning was conducted by professional researchers from the enterprise Saar Poll. The study was financed by the Estonian Ministry of Social Affairs and the Finnish Ministry of Health and Social Affairs. The key findings were the following:

- During the one-year study period, every fifth female (21 percent or 135,000 women) and every sixth male (85,000 men) were personal victims of violence. Nine percent of all women (59,000) were victims of physical violence, and two percent of all women (12,000) were victims of sexual violence.
- As the result of repeated offenses the number of incidents of violence exceeded the number of victims. Some victims were assaulted repeatedly. Estonian women experienced 104,000 incidents of physical or sexual abuse per year, of which 63 percent took place in the home. Men experienced 83,000 cases of physical violence, of which nine percent took place at home.
- Out of all cases of sexual violence, 57 percent took place in the home and were committed by a spouse/partner. The remainder (43 percent) occurred in public places.
- Almost every other case of violence ended with physical injuries for the woman. The study revealed that over a 12-month period 44,000 women were harmed, with 6,000 of them suffering serious injuries.
- According to the study, only a small proportion of all crimes reached the attention of the police. Even in cases culminating with serious injuries, only ten percent of the women notified the police.

Helve Kase (ed.) (2001) *The Voices of the Silent*, Tallinn: Estonian Institute for Open Society Research.

This 448-page-long book on gender violence was financed by the Nordic Council of Ministries. The book consists of three parts:

Part I features 26 interviews with Estonian citizens – women and men, victims, and abusers – who speak about their violence-related experiences.

Part II consists of 16 interviews with prominent Estonian experts in the field of violence against women, including professionals who are in contact with victims and abusers on a daily basis. These professionals include a psychologist, a family counselor,

and a teacher as well as police, medical workers and other specialists. The interviews explored the factors contributing to the use of gender violence, the consequences of gender violence, and preventative measures to be taken at the individual level. Interviews with a journalist, a public official, clerics, and cultural figures explore violence against women on the societal and state levels.

Part III includes articles by outstanding Estonian and foreign experts (e.g. M. Kimmel from the U.S. and H. Johnson from Canada) who provide insights into the subject of violence as a social issue in the global context.

M. Pajumets (2002) *As Future Job-Seekers, What Do Female High School Graduates Know About Trafficking in Human Beings?* Estonian Institute of Humanities

This qualitative (not statistical) sociological study gathered information from 37 girls graduating from high school in the same year. The schools were selected so as to represent the different regions of Estonia as well as different types of schools and profiles of students. The study was financed by the Nordic Council of Ministers. The key findings were the following:

- Most of the participants were prepared to seek work abroad.
- Only a minority of these girls saw themselves at risk demonstrating a dangerous potential.
- The girls who did understand the inherent dangers involved in working abroad still did not know how to conduct the preliminary research before going to work in a foreign environment.
- Job offers should be investigated in Estonia because it may be too late after one leaves the country. Based on the information gathered, one cannot identify any one group as being clearly more at risk than the others.
- Girls from all backgrounds were vulnerable to human trafficking, for different reasons.

H. Kase and I. Pettai (2002) *Prostitution and Trafficking in Women as an Unsolved problem in Estonia: The Ability of the Estonian State to Suppress and Prevent Prostitution and Trafficking in Women*, Estonian Institute for Open Society Research

This study was financed by the Nordic Council of Ministers. Five original surveys were conducted as part of this project:

1. Youth workers

Participants in this study were questioned as to the issue of prostitution. They included teachers, psychologists, career advisors, personal advisors, social workers, and police

officers whose daily work influences and shapes the attitudes of young people. A total of 53 youth workers from throughout Estonia participated.

2. Tallinn police officers

A total of 103 police officers from all of Tallinn's police departments participated in this survey. Ninety-six police officers responded to questions concerning prostitution and trafficking in women – including 52 street patrol officers, 35 constables, and nine investigators.

3. Firms recruiting women to work outside Estonia

The survey included 15 firms recruiting labor for foreign partners. The poll was conducted via the telephone.

4. Firms recruiting sexual service providers

The survey covered 24 firms recruiting providers of sexual services. The firms were selected at random, using job offers published in Estonian advertisements and pornographic magazines. The poll was conducted via the telephone.

5. Estonian civil servants and the staff of NGOs

These individuals were questioned as to the issues of suppressing prostitution and trafficking in women. In total, 18 specialists from different areas, including 13 civil servants, were interviewed.

The key findings of the survey were the following:

- Civil servants were not well-informed about prostitution and trafficking in women. There were no training programs and no information materials. The best-informed participants were officials of the Ministry for Social Affairs and the Ministry of the Interior (the police).
- Those state institutions whose responsibilities should encompass the prevention of prostitution and trafficking in women as well as aid to victims, often fail to see their potential role with respect to these issues. For instance, according to the Ministry of Foreign Affairs specialists, prevention of trafficking in women was not within their purview.
- The ability of the state to help those women who have been sold into sex slavery was limited. There are no aid programs or professionals who might help these women. Clear evidence of this is the fact that victims typically do not turn for aid to state institutions but rather turn to NGOs.
- State institutions lack interest in developing concrete and precise understanding and databases on prostitution and trafficking in women. For

example, numbers of recruiters, prostitutes, and victims of trafficking in women, criminal cooperation networks, etc.

- Many departments and institutions which should be involved in the prevention of prostitution, have no responsibility in this area. These include the Ministry of Education, the Citizenship and Migration Board, the Ministry for Ethnic Affairs, social welfare organizations, Victims' Aid, etc.
- Most state institutions lack concrete action plans for the prevention of prostitution and trafficking in women. One exception is the Central Criminal Police whose action plan primarily calls for international cooperation.
- The state lacks interest and preparedness to prevent prostitution and trafficking in women. Even those powers provided by existing legislation were not utilized. This has resulted in widespread and relatively open recruitment of women to Estonia's and, primarily, the foreign sex trade.

I. Pettai, I. Proos, and H. Kase (2002) *Abuse and Women's Health*. Estonian Institute for Open Society Research

This study was financed by the Open Estonia Foundation. It included two surveys:

1. Survey of the entire Estonian population

To some degree this survey was repetitive of the first survey on abuse of women carried out in 2001, which yielded similar results. The key findings were the following:

- During the one-year study period, every fifth female (20 percent) was a personal victim of violence. Nine percent were victims of physical violence.
- Almost every other case of violence ended with physical injuries for the woman. The study revealed that over the one-year period 41,000 women were harmed, with 7,000 of them suffering serious injuries.

2. All-Estonia medical staff

The poll covered 163 medical personnel of various specialties – primarily midwives, gynecologists, general practitioners, nurses, and traumatologists. The key findings were the following:

- Fifty-four percent of medics have met women in their everyday work who suffered from regular abuse at home.
- According to the medics' estimates victims of physical or sexual abuse were primarily young women up to the age of 30. The high risk groups included prostitutes, pupils/students, unskilled laborers, service staff, barmaids, secretaries, and housewives.

- Female abuse victims sought medical assistance most frequently in cases of injury to the genitalia. Among the most serious traumas brought about by abuse were, in equal numbers, life-threatening stab or slash wounds and miscarriages.
- Ninety percent of the polled medics considered the occupation of medic as an abuse risk group. Every tenth medic in Estonia has been a victim of a direct physical assault, while four percent of all medical personnel have been victims of sexual abuse.
- An attitude of blaming the victim has become solidly established among the medics. Up to 90 percent of all medics viewed the victim's actions as the cause for abuse. The victim was seen as being nearly as responsible for the crime as the perpetrator.

A. Trummal (2003) *Trafficking in Children for Sexual Purposes in Europe – the Originating Countries: Estonia Country Report*, ECPAT

Twenty informal interviews were conducted with experts (two per interview) who are exposed to the issue of trafficking in persons in the course of their work. These included state officials and representatives of NGOs and international organizations. Four of these 20 interviews were not taped, at the request of the interviewee or because there was very little information available. In these four cases, the interviewer took notes. Additionally, no interview was conducted with ten of the experts contacted, due to the fact that they knew too little on the subject. Interviews lasted from half an hour to two hours. All nations participating in the research project utilized the same questionnaire. The interviewers did not have much difficulty in conducting the interviews, as those experts who did have information on the subject, for the most part, agreed to share. In addition, 12 informal interviews were conducted with 15- to 17-year-old Estonian and Russian girls from problematic backgrounds. Five interviews were conducted with girls who claimed to know about trafficking and sexual exploitation cases from among their acquaintances. This study was financed by the ECPAT Law Enforcement Group and Children's Defense International. The key findings were the following:

- In general it is possible to say that trafficking in persons for the purposes of sexual exploitation exists both within Estonia and across its borders.
- To a lesser extent Estonia can also be seen as a destination and a transit country.
- Cases involving minors came to light when talking about the sex industry within Estonia, trafficking out of Estonia (seven cases), and trafficking into Estonia (one case).
- There is no concrete data on the number of minors trafficked.

- During the research no cases involving trafficked minor boys were revealed. The problem relates to girls starting from 13–14 years of age.
- In general, the recruitment and retention of minors in the organized sex industry follows the same pattern as for adults.

K. Eespere (2004) *Combating Trafficking in Persons in Estonia: Experts' Opinions as to Problems and Solutions*, Estonian Women's Studies and Resource Center

This study was financed by the Nordic Council of Ministers. Specific questionnaires were distributed to 13 experts divided into the following six categories:

- the police (four experts: Põhja Police Prefecture, Lõuna Police Prefecture, and Ida Police Prefecture);
- Prosecutor's Office and the courts (three experts: Lõuna Prosecutor's Office, State Prosecutor's Office, and Tallinn City Court);
- Citizenship and Migration Board (two experts);
- social work sector (two experts);
- Border Guard Board (one expert); and
- NGOs (one expert).

The solutions identified in the research were the following:

- expression of political will – a clear message is needed from governmental organizations and politicians that trafficking in persons, including domestic prostitution, is a problem in Estonia;
- creation and approval of a governmental action plan, including clear definitions of duties, actions, and responsibilities;
- more effective implementation of existing laws and enactment of additional legislation – e.g. a witness protection law;
- victim-oriented approaches – e.g. victim assistance, victim protection, and victim support during criminal proceedings;
- increased inter-agency cooperation – e.g. information exchanges and joint activities; and
- increased training – e.g. skills, information, and continuing education.⁷⁰

⁷⁰ Information from Iris Pettai; Ilvi Jõe-Cannon; Katri Eespere; Nordic Council of Ministers Information Office in Tallinn (www.nmr.ee – in Estonian and English).

9.2 Violence against women on the agenda of research centers dealing with equality issues

Estonian Institute for Open Society Research (EAÜI), Department of Women's Studies (NGO)

Main areas of focus of the institute are abuse of women and gender equality. They carry out quantitative and qualitative studies, on a project-based approach. The Institute has carried out the first national sociological study of domestic violence and abuse of women in 2001, and the first nationwide gender equality study in 2003.

Estonian Women's Studies and Resource Center (ENUT) (NGO)

Main areas of focus of the center are gender equality and the abuse of women, especially trafficking in women. They carry out qualitative studies, on a project-based approach.

University of Tartu, Gender Studies Department

Beginning in 2000 some undergraduate and graduate student papers of the Department have addressed various aspects of gender equality. There have been no doctoral papers in this area.⁷¹ The department carries out qualitative studies, on a project-based approach.

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

In 2001 at the request of the Republic of Estonia's Ministry of Social Affairs, the Estonian Institute for Open Society Research developed a system of indicators for the measurement of abuse of women through domestic violence. This system has not been officially implemented, as no study of this issue has been financed by the state in Estonia since 2001. The system of indicators is used by the Estonian Institute for Open Society Research in its studies of domestic violence.⁷²

In 2004–2005 the West Estonian Police Prefecture collected police statistics on domestic violence as part of a project entitled “Professional Police against Domestic

⁷¹ Iris Pettai; Ilvi Jõe-Cannon; Aire Trummal, University of Tartu (www.ut.ee; www.ut.ee/gender – in Estonian and English).

⁷² Iris Pettai, *ibid.*

Violence” which was administered by the Estonian Center for Social Programs. This was a pilot project with a long-range goal of introducing a new unitary, nationwide system for recording police statistics. Based on the analysis of statistical data, the Estonian Institute for Open Society Research worked out a new methodology for collecting police statistics and, using these statistics, has compiled a survey report entitled *Domestic violence in West Estonia in 2004–2005*. The project was financed by the Open Estonia Foundation.

For the gathering of statistics on domestic violence in the West Estonian Police Prefecture, the Estonian Institute for Open Society Research compiled a special domestic violence form in cooperation with the West Estonian prefecture, which would be filled in by all police patrols responding to a call and later complemented by the police constable. The domestic violence form considers such aspects as gender, relations between the victim and the abuser, previous incidents of abuse, etc. The key findings were the following:

- Nine out of 10 victims were women.
- Seventy percent of these women were married or living in a close relationship with a man.
- In 80 percent of all cases of domestic violence in which the police were called, the violent man was intoxicated.
- Forty-nine percent of families experiencing domestic violence included children.
- Eighty-two percent of these children were witnesses of violence; one-third were themselves victims.⁷³

The above system of gathering statistical data is unique in Estonia in terms of the recording of data on domestic violence and the abuse of women. No other institution in Estonia – medical, social, judicial, etc. – has collected specific, gender-distinguishing statistics on domestic violence and the abuse of women. On the basis of this new data collection scheme the Estonian Police plans to establish a nationwide system for recording police statistics.⁷⁴

According to police statistics, an average of 84 cases of rape are reported in Estonia each year. On average, 66 percent of each year’s rape cases are solved.⁷⁵

⁷³ Information from Helve Kase, *ibid.*, and Joosep Kaasik, West Estonian Police Prefecture; Open Estonia Foundation (www.oef.org.ee – in Estonian and English).

⁷⁴ Joosep Kaasik, *ibid.*

⁷⁵ Information from Uno Traat, Tallinn Police College.

None of the various professional bodies issue annual, or any regular, reports summarizing data collected on cases of violence against women.⁷⁶ However, all data collected on cases of domestic violence and human trafficking in Estonia is accessible by the public and available on the websites of various organizations. The Estonian media has also reported extensively on the results of these surveys.⁷⁷

A genetic database does exist in Estonia but it does not specifically contain data on sexual criminals. According to a police estimate, this would not be practical due to the small number of rape cases reported to the police (on average, 84 cases per year). No data exists as to whether, or to what extent, the genetic database is used in the investigation of rape cases or how many, if any, rapists have been identified with its help.⁷⁸

10.2 NGO statistics on violence against women

Tartu Women's Shelter has gathered statistical data on domestic violence victims staying overnight on the shelter premises. This data includes 1,640 overnight shelter stays in 2005.⁷⁹

11. CASE LAW ON VIOLENCE AGAINST WOMEN

11.1 Cases on violence against women before the national and international bodies dealing with human rights issues

There are no special violence against women cases before the Ombudsman, the Constitutional Court, or any other special bodies.⁸⁰

There are no Estonian violence against women cases before any international forum.⁸¹

⁷⁶ Katri Eespere, *ibid.*

⁷⁷ Information from the Estonian Ministry of Social Affairs; Estonian Ministry of Justice; Open Estonia Foundation; Estonian Women's Studies and Resource Center (ENUT); Nordic Council of Ministers Information Office in Tallinn.

⁷⁸ Uno Traat, *ibid.*

⁷⁹ Information from the Tartu Women's Shelter, *ibid.*

⁸⁰ Katri Eespere, *ibid.*

⁸¹ Katri Eespere, *ibid.*

11.2 Published court decisions, case studies, and analyses of case law

It is possible to find case decisions through a court's website if the decision is public. Searches can be conducted using KOLA (Database of Court Statistics and Judicial Decisions) and KIS (Courts Information System). However, it is not possible to search for individual domestic violence cases.⁸²

There is no public information analyzing adjudications of violence against women.⁸³

12. RECOMMENDATIONS TO THE GOVERNMENT

- Establish an inter-ministerial consultative committee responsible for implementing the strategy on violence against women and making recommendations on interdepartmental cooperation to prevent violence against women;
- Ensure the protection of women during judicial procedures by protecting victims' dignity and privacy through special courts and specialized prosecutors; avoiding unnecessary and humiliating interrogations and encounters with the perpetrator; allowing anonymous testimony by technological means; using female interviewers; and providing access to information, free legal support, clear appellate procedures, and a more expeditious court procedure;
- Develop more efficient legislation that encompasses all forms of violence against women, addresses prevention and the needs of female victims of violence; such legal reform should also take into account less common forms of violence;
- Identify and prioritize victims' needs and analyze what kinds of social assistance they need and actually receive;
- Expand the victims' access to competent legal, medical, psychological, and other forms of aid and ensure the safety and legal protection of the victims and protect their human dignity;
- Draft guidelines and regulations with regard to the reception, treatment, and counseling of victims for officials in contact with victims of violence, particularly sexual abuse;

⁸² Raul Heido, *ibid.*

⁸³ Raul Heido, *ibid.*

- Ensure that policies contain detailed instructions to ensure that victims receive the necessary care and attention and that any evidence gathered is done so in a manner that avoids secondary victimization;
- Establish a network of institutions, including shelters, hotlines, and support groups, that will provide help to victims of violence; this network should involve representatives of all institutions and professions dealing with violence;
- Raise public awareness about the issue of violence against women; launch open discussions on the issue in the media, and encourage the public to change behavior patterns and stereotypes that perpetuate violence against women;
- Influence public opinion by organizing or supporting conferences and public awareness campaigns to increase public awareness about the issue and consequences of violence on the individual and the society and facilitate open discussions about violence without prejudice or preconceptions. Public awareness campaigns should denounce violence against women and girls and aim to inform and educate victims;
- Launch training programs for specialists who provide aid to victims of violence against women; these programs should become an integral part of professional qualification and training and include advanced trainings that present the latest research and policies;
- Require that staff evaluations include an awareness of violence against women and its ties to gender equality;
- Incorporate issues of violence against women in the basic training programs of police, judicial, medical staff, and social workers to enable them to recognize and respond to crisis situations and to improve practices of receiving, listening, and counseling of victims;
- Carry out regular monitoring of violence at least once a year to assess violence in its specific forms, including domestic violence, sexual assault, sexual harassment, and trafficking in women; and
- Develop gender-disaggregated and integrated statistical indicators for better assessments of violence against women.

ANNEXES

Annex A. List of laws and regulations screened

- Act on Gender Equality of April 7, 2004, *Riigi Teataja* I 2004, 27, 181.
- Act on Legal Aid of June 28, 2004, *Riigi Teataja* (State Gazette) I 2004, 56, 403.
- Act on Personal Data Protection of June 12, 1996, *Riigi Teataja* I 1996, 48, 944.
- Act on Victim Support of December 17, 2003, *Riigi Teataja* I 2004, 2, 3.
- Act on Witness Protection of July 21, 2005, *Riigi Teataja* I 2005, 39, 307.
- Code of Criminal Procedure of July 1, 2004 *Riigi Teataja* I 2003, 27, 166; consolidated text *Riigi Teataja* I 2004, 65, 456.
- Penal Code of September 1, 2002, *Riigi Teataja* (State Gazette) I 2001, 61, 364; consolidated text *Riigi Teataja* I 2002, 86, 504.

Annex B. List of documents, books, and experts consulted

- Common Witness Protection Program of 10 Baltic Sea States
- National Plan of Action for Combating Trafficking in Women in Estonia*
- National Plan of Action for Domestic Violence*
- Eesperer, K. (2004) *Combating Trafficking in Persons in Estonia: Experts' Opinions as to Problems and Solutions*, Estonian Women's Studies and Resource Center.
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Trummal, A. (2003) *Trafficking in Children for Sexual Purposes in Europe – the Originating Countries: Estonia Country Report*, ECPAT.

Experts consulted

Aire Trummal, University of Tartu

Ilvi Jõe-Cannon, Estonian Women's Studies and Resource Center

Iris Pettai, Estonian Institute for Open Society Research

Joosep Kaasik, police director, West Estonian Police Prefecture

Katri Eespere, chief specialist, Estonian Ministry of Social Affairs, Gender Equality Department

Katri Tammekand, advisor, Estonian Ministry of Social Affairs, Gender Equality Department

Kirsti Pent, IOM Tallinn

Kristiina Luht, chief specialist, Estonian Ministry of Social Affairs, Gender Equality Department

Raul Heido, prosecutor, Southern Circuit Prosecutor's Office

Sirje Otstavel, Tartu Women's Shelter

Tiina Jõgeda, Estonian Television Eesti ajakirjanike Liit

Ülle Kalvik, Tallinn Women's Shelter

Uno Traat, Tallinn Police College