

**Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Report submitted by Estonia
pursuant to Article 68, paragraph 1
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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on legislative and other measures
giving effect to the provisions of the
Council of Europe Convention on
Preventing and Combating Violence
against Women
and Domestic Violence
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I. Introduction

1. Estonia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Istanbul Convention, on the 2nd of December 2014. Estonia ratified the Convention on the 26th of October 2017, and the Convention entered into force in the 1st of February 2018.
2. National legislation is considered to be in accordance with the Istanbul Convention. As preparation and part of ratification process, the Penal Code, the Aliens Act, the Victim Support Act, the Code of Criminal Procedure were amended. Estonia made no reservation in connection of ratification of Convention.
3. According to the article 2 of the Ratification Act of the Convention¹, the Ministry of Justice is responsible for co-ordinating the Istanbul Convention in Estonia. However, the implementation of the Convention and work preventing and combating violence against women and domestic violence is implemented by various state institutions as the Ministry of Justice, the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Education and Research, the Ministry of Culture, the Ministry of Economic Affairs and Communications, the Ministry of Foreign Affairs with their subordinate authorities (the Estonian Forensic Science Institute, prosecutor's offices, the Police and Border Guard Board, the Estonian National Social Insurance Board, the National Institute for Health Development) in cooperation with non-governmental organisations, local governments and their representative organisations, healthcare and educational institutions and their employee associations as well as entrepreneurship organisations and others.
4. The monitoring mechanism, GREVIO, requested Estonia to submit its first baseline report by 31 March 2021 as part of the evaluation process of Estonia. This report follows the chapter division of the Convention and the GREVIO questionnaire.
5. First state report on implementation of the Istanbul Convention in Estonia was prepared under the coordination of the Ministry of Justice and in cooperation with several partners. The baseline report consists of contributions from governmental agencies as the Ministry of Justice, the Ministry of Social Affairs, the Ministry of Interior, the Ministry of Education and Research, the Ministry of Foreign Affairs, the Social Insurance Board, Police and Border Guard Board, State Prosecution Office. The input to the report was also received by the University of Tartu, Tallinn Health College, NGO Estonian Institute for Open Society Research, the Judicial Training Department of the Supreme Court of Estonia and the others.

In addition, this report includes information also from the field studies, strategies reports, ongoing projects and regular cooperation discussions held in violence prevention network.

The evaluation process of implementing the Convention and baseline report was introduced and discussed in the violence prevention network.

¹ <https://www.riigiteataja.ee/akt/226092017001>

II. Integrated policies and data collection

2.1. Strategies and action plans

6. Over recent decades, various governments have given priority to combating domestic violence and violence against women in Estonia. The importance of prevention of various forms of violence has been addressed in several strategies and action plans. Estonian strategies stress clearly that violence is a problem harming human rights, restricting the people's right to life, freedom, security, dignity, mental and physical integrity and non-discrimination.

Government long term strategy Eesti 2035

7. Government Office has coordinated composing national strategy [Eesti 2035](#)² that states that to reduce psychological and physical violence, we have agreed to develop early detection system, enhance the importance of the family and the community role in responding to violence, expand various evidence-based prevention and social programs **to prevent and reduce bullying, harassment, intimate partner and sexual violence, develop a network of support for victims of violence and measures to prevent violence.**

General Principles of Criminal Policy until 2030

8. Riigikogu (Parliament of Estonia) approved long term criminal policy principles until 2030³ ([Kriminaalpoliitika põhialused aastani 2030](#)) in November of 2020, which was prepared under the leadership of the Ministry of Justice. According to the criminal policy principles Estonia will have a safe and just society in 2030 with few children and young people entering criminal justice system, which is efficient, smart and victim-friendly, where addicts and offenders with mental disorders receive the help they need and serious violent crime is declining at the fastest pace among European countries. The focus will be on preventing the offences most damaging for society, **including violent crime, domestic violence, violence against children and human trafficking.**

Joint priorities in the fight against crime since 2005

9. In 2005, the Minister of Justice and the Minister of the Interior adopted [Laulasmaa Declaration](#) to set out common priorities in the fight against crime. One of the focus of joint agreement has been the fight against violence, **with special attention paid to intimate partner violence and violence against children.** The joint priorities will be discussed by the Minister of Justice and the Minister of the Interior in cooperation with the Prosecutor General and the head of Police and Border Guard Board each year and renewed if needed.

Government violence prevention strategies since 2010

10. The **first violence prevention development plan**⁴ was adopted by government in 2010 for five years (2010–2014). This development plan dealt with violence related to minors, domestic violence and trafficking in human beings. The following topics were discussed: 1) preventing violence by changing people's values, dispositions and attitude to violence; 2) reducing possibilities for the occurrence of situations facilitating violence; 3) improving access of victims of violence to assisting and supporting services; 3) ensuring more efficient intervention of the criminal justice system in crimes of violence and thus reduce repeat victimization and recidivism of offenders.
11. To continue the focus on violence prevention, new [violence strategy for years 2015–2020](#) was approved by government in 2015. This strategy encompassed **youth violence, abuse of children, domestic violence (intimate partner violence), sexual violence and trafficking in human beings.** The strategy addressed awareness raising and educating of the public, focused on people at risk of becoming a victim or committing an offence and also dealing with consequences of violence, offering support measures to victims as well as interventions concerning perpetrators of violence. The solutions proposed in the strategy were guided by the World Health Organisation's understanding that risk factors for violence are related to the society (e.g. norms favouring violence, gender inequality), the community (e.g. lacking victim support services), relationships (e.g. domestic conflicts, poor parenting skills) and persons (e.g. history of abuse as a child,

² <https://www.valitsus.ee/strateegia-eesti-2035-arengukavad-ja-planeering/strateegia>

³ https://www.just.ee/sites/www.just.ee/files/kriminaalpoliitika_pohialused_2030.pdf

⁴ <https://www.kriminaalpoliitika.ee/et/development-plan-reducing-violence-2010-2014>

psychological and behavioural problems, addiction problems). Both, the first and second violence prevention strategy's preparation and implementation was coordinated by the Ministry of Justice.

12. At present the Ministry of Justice coordinates **preparation of new violence prevention agreement for years 2021–2025**, which will be submitted to the government no later than September of 2021 according to the government's action plan.
13. In summer 2019, **the domestic violence steering group** coordinated by the Ministry of the Interior, made a memorandum to the government about the **domestic violence action plan for 2019–2023**⁵ focusing on five key goals: the protection of the victims, the responsibility of the perpetrator, the knowledge and professionalism of specialists, the tools supporting the specialists and the monitoring of the problem.
14. **Internal Security Strategy 2020–2030**⁶, prepared and coordinated by the Ministry of Interior. Internal Security Strategy for the period 2020–2030 aiming at tackling the security challenges and threats facing Estonia. One of the key areas of the strategy is cross-sectoral prevention including preventing all kinds and forms of violence. Internal Security Strategy focuses on setting the goals primarily for the police but also for other relevant partners in internal security field fighting against violence.

Government Welfare Development Plan

15. **Welfare Development Plan for 2016–2023**⁷, which is coordinated by the Ministry of the Social Affairs, covers topics as **promoting gender equality** and **victim support and services**.
16. **Activities to promote gender equality** have been implemented through the four-year rolling Gender Equality Programme(s). Measures planned in the development plan and the programme(s) vary from awareness raising to legislative initiatives, including both special measures to promote gender equality and activities that support the implementation of gender mainstreaming. To reduce gender inequality, prevent its resurgence, and achieve gender equality in different spheres of life, attention is paid to reducing gender stereotypes that cause gender inequality and their negative impact; reducing gender segregation in education and the labour market; supporting the economic independence of men and women, therein reducing the gender pay gap; achieving a gender balance on the decision-making levels of society; enhancing the protection of rights; and ensuring institutional capacity, including the analysis and management capabilities necessary for the promotion of gender equality.

As inequality of economic independence of men and women is one of the factors behind sustaining gender-based violence both at the societal and individual level, activities aiming to decrease such inequality are important to help to prevent (continuance of) such violence.

Although the **gender pay gap** in Estonia is still the widest in the EU, it has slowly decreased, from 29,9% in 2012 to 21,8% in 2018, according to Eurostat. From January 2019, a three-year research project is being carried out with an aim to decrease the still unexplained part of the gender pay gap. Research results and policy proposals from this project will also be used when preparing further proposals to reduce the gender pay gap.

According to Statistics Estonia, occupation-based sex **segregation of the labour market** was 35% and economic activity-based sex segregation 37,9% in 2018. Women often work in professions that are crucial for a society but tend to be neither very highly valued nor financially rewarded. The same appears when looking at the vertical segregation, as managerial level is dominated by men. Therefore, a variety of activities are being implemented with an aim to decrease gender segregation of the labour market and thereby contribute to narrowing the gender pay gap. Special attention has been paid on increasing the % of women in ICT sector where there is a remarkable labour shortage and the average salary is notably above the general average salary. Different activities targeting both women and girls have been and continue to be carried out by the state, private sector and non-governmental organisations. Research and awareness-raising measures have also been taken to support women's access to high-level political decision-making.

⁵ https://www.siseministeerium.ee/sites/default/files/lahisuhtevagivalla_ennetamise_tegevuskava_2019-2023_memorandum_1.pdf

⁶ <https://www.siseministeerium.ee/et/STAK2030>

⁷ Welfare Development Plan for 2016–2023 available in English: http://www.sm.ee/sites/default/files/content-editors/eesmargid_ja_tegevused/welfare_development_plan_2016-2023.pdf

Measures have also been established to increase wages in some female-dominated sectors, e.g. the salaries of basic school and upper-secondary school teachers.

Women's pay and other labour market opportunities are also influenced by **work-life balance possibilities, care burden** and gender stereotypes influencing related choices. In order to address these problems, Estonia has taken various measures to ease the care burden of women and to provide them with better opportunities for active labour market participation, higher salaries and career-development. These measures include legislative initiatives to encourage more fathers to share the care responsibilities and to provide both women and men with better possibilities for reconciliation of work and family life, especially by increasing flexibility of parental leave system. Also, creating new childcare places has been supported by the state, including creating flexible childcare places for the use by parents who work on non-standard working hours or have children with special needs. Although in previous decades there has been a lack of childcare places in bigger cities, the childcare places created recently have alleviated the situation. Additional measures taken are e.g. those aimed at increasing the availability of long-term care services to reduce the care burden on informal carers and providing employees with a family member with profound disability with a right to additional five paid leave days to support the reconciliation of work and care.

17. Strategies "Welfare Development Plan for 2016-2023" also foresees direct **prevention of violence and development of victim support and services for victims of violence against women** via four-year rolling Social Welfare Programme(s). The state victim support policy is developed by the Ministry of Social Affairs in co-operation with the Social Insurance Board. The services are mainly organized by the Victim Support Department of the Social Insurance Board. Victim support is based on the Victim Support Act. There is general victim support for all the victims of crime and violence, and specific services for certain target groups, including victims of violence against women. In addition to organization of the national victim support service, the compensation for the cost of psychological assistance to victims of violent crime and the payment of compensation for crime victims is provided by the Victim Support Act (OAS).

Government plans in the field of education and youth

18. The Ministry of Education and Research prepares development plans for the next period (2021–2035) in the field of education, research, youth and languages. In the field of education, the plan sets to help develop educational institutions, whose organisation culture is attentive and cooperative, who support the development of general competencies and the well-being of all parties, focusing on both physical and mental health, and promoting resolution of conflicts and crises in a constructive manner. The general competencies as listed beforehand are integrated in the curriculum generally, as the Estonian school system supports the integration of subjects in general. The National curriculum for basic schools and the National curriculum for upper secondary schools include the promotion of general human values (honesty, compassion, respect for life, justice, human dignity, respect for self and others) and social values (liberty, democracy, respect for mother tongue and culture, patriotism, cultural diversity, tolerance, environmental sustainability, rule of law, solidarity, responsibility and gender equality). Though individual schools are at liberty of developing the content of their own subject matters in order to cover general competencies in the subject matters deemed appropriate, these issues are covered, according to the national curricula for basic schools and upper secondary schools, in personal, social and health education, and civics and citizenship education.
19. **Reducing bullying** is one of the priorities of the Ministry of Education and Research strategies. Activities, goals and principles specifically aimed at fight against bullying have been consolidated into the [concept⁸ of a bullying-free education pathway](#) of the Ministry of Education and Research, which was approved in 2017. For the first time, the concept presents a complete vision of programme-based prevention of bullying to make these activities accessible to nursery schools and schools. A number of development trends have also been agreed on, including: extending the anti-bullying activities from Estonian-language schools to non-Estonian schools, vocational educational institutions and parents; turning more attention to communication and conflict solving skills in the formal and in-service training of teachers; developing a model for funding anti-bullying programmes; increasing capacity to intervene in cyber-bullying; and expanding the bullying-free education network. Intervention programmes, such as "No more bullying!", plus a game of behavioural skills and peace of mind exercises have been developed; the principles of value-based

⁸ https://www.hm.ee/sites/default/files/kiusamisvaba_haridustee_kontseptsioon.pdf

education have been emphasised; and students are being included in the achievement of a safer learning environment (the support-student movement TORE and Tolerant School).

20. The Basic Schools and Upper Secondary Schools Act § 6 states that upon organisation of studies, the state, owners of schools and schools adhere to the following principle: general education of good quality adheres to the principles of **inclusive education** and is equally available to all persons regardless of their social and economic background, nationality, gender, place of residence or special educational needs. **Gender equality and tolerance** are fundamental values in both the National curriculum for basic schools and National curriculum for secondary schools.
21. According to the vocational standard for teachers, teachers are to demonstrate certain qualities, such as the capacity to make use of the existing learning environment, and the ability to create a mentally and emotionally safe learning environment that promotes development and creativity. The Higher Education Act includes common values to promote academic integrity.

National action plans related to Resolution 1325

22. **Implementation of the UN Security Council Resolution 1325 (Women, Peace and Security).** In 2010, Estonia adopted the first action plan⁹ for the implementation of Resolution 1325 in Estonia 2010–2014, with the aim of defining and systematizing Estonia's gender-sensitive activities in international missions and development aid, and to increase public awareness of the issue. Estonia's second action plan for 2015–2019¹⁰ focused on improving the situation of women in both conflict and post-conflict areas, raising awareness and enhancing cooperation and information exchange.
23. Estonia's third national action plan (2020–2025) has been prepared in close cooperation with civil society actors, line ministries and representatives of academia. The new action plan is due for the approval in the Government Session in May 2021.

Local level strategies

24. In addition to state level strategies, the bigger cities have also prepared their own strategies and plans to fight against violence. For example, NGO Vaiter prepared a plan for the prevention and early intervention of intimate partner violence for the city of Tallinn, which was presented on January of 2019.

2.2. Allocation of financial resources

25. Most of the above-mentioned strategies and action plans have been implemented within the general budgetary framework. It is complicated to offer complete detailed overview of the funding resources allocated specifically for work against violence against women and domestic violence in Estonia. The majority of the funding is covered by state in the form as the operational expenses of the ministries and their subordinate authorities, including the police, prosecutor's office, courts, health and care services, schools etc.
26. The State funds also certain special measures for victims and perpetrators of violence. The municipalities' services are largely financed through the municipal budget. In addition, in the field of violence against women and domestic violence, support has been received, for example, from foreign grants (including the European Social Fund (ESF), the European The EEA and Norway Grants, and Active Citizens Fund (ACF). Important is also volunteer and private sector contribution, which has significantly grown in recent years.

Some specific examples

27. **The victim support** is financed and organised by the State and in 2020, **for example**, the whole budget for victim support was around 4 million euros.

⁹ https://vm.ee/sites/default/files/content-editors/1325_Eesti_tegevuskava_EE.pdf

¹⁰ https://vm.ee/sites/default/files/content-editors/diplomacy/human-rights/1325_tegevuskava_2015-2019_ee.pdf

Table 1. Budget of certain victim support services in euros, 2018-2019

	2018	2019
Women's shelter service	786 000	1 050 000
Rehabilitation of victims of sexual violence	78 000	116 000
Psychological support*	394 000	667 000
Compensation for crime victims*	328 000	244 000
Social programmes for perpetrators of violence	58 000	83 000
Crisis counselling 24/7	0	182 000

**This sum depends on the basis of need and is not limited.*

Source: Ministry of Social Affairs

28. The Ministry of the Interior has been funding the **MARAC (Multi-agency risk assessment conference)** for the last 6 years by the support of European Social Fund. From years 2018-2020 the amount was 398 785 euros.
29. **The cost of recent media campaigns in 2017-2020** to raise awareness about domestic violence and different form of violence against women:
- Campaign 1ELU. Campaign was supported from European Commission Internal Safety Fund (ISF) with national co-financing 85 000 EUR. Project was run by Ministry of Justice and Social Affairs with the partnership of NGO Living for Tomorrow and Estonian Human Rights Centre.
 - Campaign to encourage victims to reach out for help with the title "Hero of our time". Budget: 10 000 euros, most of the campaign costs were covered by pro bono work from private companies who want to give their contribution to preventing domestic violence. Organized by Social Insurance Board.
 - Campaign to encourage neighbours and other witnesses to report domestic violence. Budget: 20 000 euros, most of the campaign costs were covered by pro bono work from private companies who want to give their contribution to preventing domestic violence. Organized by Social Insurance Board.
 - Campaign to encourage perpetrators to seek help with the title "What kind of role model are you?". Budget: 40 000 euros. Organized by Social Insurance Board.
 - Campaign "But I dare to intervene" with a budget 8000 euros. Organized by Police and Border Guard Board.
 - Campaign "I'm a man, I don't hit" with a budget 7416 euros. Organized by Police and Border Guard Board in cooperation with Eesti Energia.
30. **The Ministry of Education and Research** directly funded NGO Mondo during the period of 2018-2020 with 53 000 euros, NGO Seksuaaltervise Labor with 30 000 euros in 2018-2019, the University of Tartu with 15 000 euros in 2020, different anti-bullying partners with approximately 2 million euros and the University of Tartu's Values Development Programme with 345 000 euros.
31. The Ministry of Justice supported additionally with 17 000 euros a project of the Estonian Women's Shelters Union to **provide legal advice to victims of sexual crimes** in 2019-2020¹¹.
32. In addition, civil society contribution has been supported by various foreign grants. For example:
- In the last period of Norway's financial mechanisms, the Ministry of Social Affairs operated **Gender-based and domestic violence program**¹²: 10 projects¹³ received funding total of 2 million euros to tackle gender-based violence and trafficking through development and improvement of services for victims of domestic violence, sexual exploitation and trafficking in 2013-2016.

¹¹ <https://www.just.ee/et/uudised/seksuaalkuritegude-ohvritele-hakkab-ogusnou-andma-naiste-variupaikade-liit>

¹² <https://eeagrants.org/archive/2009-2014/programmes/EE11>

¹³ <https://www.sm.ee/et/toetatud-projektid-2>

- In the current Norway's financial mechanisms period (2014-2021) the Ministry of Social Affairs in cooperation with the Ministry of Education and Research, the Ministry of Justice, the Ministry of Culture operates **Local development and poverty reduction program**, and funding for reducing domestic violence, gender-based violence and gender inequality¹⁴ is also foreseen. Open application rounds (total 380 000 euros) for NGOs and legal persons in public or private law registered in Estonia were planned for two measures: 1) to raise awareness on domestic violence issues and reducing the demand for buying sex; 2) to train specialists on domestic violence issues and creation of a social program.

2.3. Civil society support

33. The Estonian governments values a lot the partnership with civil society organisations and their active engagement in combating violence against women and domestic violence. Several civil society organisations have contributed actively to prevention activities, including awareness raising, trainings for specialists and are successfully engaged in delivery of services for victims and perpetrators outsourced by state or local authorities or initiated different projects (see also chapter 3.1). Therefore, civil society organisations long, professional and direct experiences with working with victims and abuser offer useful knowledge and expertise to prevent violence against women and domestic violence.
34. There are several umbrella organisations in Estonia dedicated to providing support services for victims of violence against women. Also, different umbrella organizations of child and youth organizations, professional organizations are actively involved in the work against violence and child abuse.
35. State and civil society actors work in close cooperation. A multi-sectoral approach, active involvement, openness, recognition and also financial support to some extent are the key measures to ensure effective co-operation with civil society actors.
36. Estonia is implementing a multi-sectoral approach, including relevant non-governmental organizations and civil society for supporting victims of domestic violence, with National Victim Support as the central point of coordination for the work and network activities all around Estonia.
37. **Women Support Centre Service (Women Shelters) is provided by NGOs**, who have long term contracts with Social Insurance Board. Service development is also done in close cooperation with NGOs, including cooperation in topics such as service notification; service description; trainings; data collecting and analysis; involvement of the target group; case discussions, MARAC etc.
38. **Women Support Centre professionals are active partners in state and local level development projects.** For example, in December 2017 – March 2018, a joint pilot project was carried out in one county of Estonia to improve the protection of victims of domestic and gender-based violence by an enhanced co-operation and improved everyday practices of law enforcement, social and child protection, women's shelters and other relevant counterparts. The project aimed to test different approaches that ensure victim's security and empowerment, rapid intervention and case management, and effective need-based social and psychological support. For protecting all the victims, perpetrators were removed from the scene and victims were provided with support from National Victim Support system and women's shelters. A key feature of the intervention was that it enabled victims to remain in their own homes, provided it is considered safe to do so, and re-houses perpetrators. During the pilot project women shelter professionals turned extra focus on proactive out-reach support in cooperation with police. In order to fulfil the project's goal, coherence of co-operation and rapidness of information exchange were increased. Based on the results of the pilot project, changes in the organization, resources and legislation regarding law enforcement and social affairs, local government and victim support organizations were agreed by the Government.
39. According to the rules for good public engagement it is inevitable to involve main stakeholders and public when preparing of policy initiatives. Thus, when new legislations or strategies are prepared or measures implementation is assessed, also NGOs and other partners are invited to give their opinion and input. For example, the list of partners involved in the preparation of violence prevention strategy can be found from the [annex 1](#) of the strategy. State institutions are in regular contact with civil society organisations and use different cooperation forms to involve. For example, different networks have been introduced: the violence prevention strategy network, special

¹⁴ <https://www.rtk.ee/toetused/toetuste-rakendamise/emp-ja-norra-toetused-2014-2021>

Facebook groups, regular meetings with ministers etc. In addition to regular networking, cooperation also in individual cases takes place as needed.

40. Since 2017 each year **the Violence Prevention Recognition Awards**¹⁵ have been presented to recognize individuals and organizations, including NGOs, state and local government agencies and companies, who have made a significant contribution to violence prevention in Estonia through their initiative, behaviour, attitude or other activities. The award is issued by the Ministry of Justice in cooperation with the Office of the President of the Republic. Several NGOs and civil society actors have been recognized because of their work against violence against women and domestic violence.

Some examples about support for NGOs

41. Throughout the years, the Ministry of Education and Research, the Ministry of Social Affairs, the Ministry of Culture have supported **different projects and strategic partners aimed at strengthening general equality education, violence prevention, welfare and family policy etc through funds received by gambling tax.**
42. For example, in 2019 NGO Oma Tuba and NGO Estonian Women's Research and Resource Centre received funding for advancing gender equality in Estonia. Both organisations are Social Ministry's strategic partners in gender equality advancement. Women's shelters received funding from the Gambling Tax since 2004 until permanent State funding that started in 2014. NGO Estonian Women's Shelters Union has received funding via gambling tax for training its workers, but also different specialists such as medical workers, and for organising hotline service for women who suffer from violence. NGO's have received funding also for organising and providing services for trafficked women.
43. Ministry of Education and Research **works with partners from different NGOs and higher educational institutions** (e.g. University of Tartu). The ministry has delegated roles like providing trainings, creating study materials, carrying out information campaigns etc to NGOs because they are in direct contact with their interest groups and can gather their input at grassroots level. The ministry meets with their partners at least once in a year to set direct goals for the upcoming year. In addition, the ministry meets with the anti-bullying partners (related to the [concept of a bullying-free education pathway](#)) at least once a quarter to discuss their process so far and different obstacles they might have met. Most of partners work directly with teachers, schools and local municipalities to carry out their programmes, thus it guarantees that there is networking between the different interested parties.
44. During 2018-2020 the Estonian Ministry of Education and Research has funded activities by NGO Mondo **to promote global citizenship education** (including human rights and inequality, diversity of people and cultures). The Estonian Ministry of Education and Research has supported and funded activities of the University of Tartu who has been providing study materials, lectures, conferences, trainings etc in the field of value education in Estonia through **the Values Development Programme**. In addition, the ministry has continuously funded different NGOs who are strategic partners in bullying prevention starting from pre-school education and up to secondary education and vocational education (with focus to bullying linked to gender and sexuality as well).
45. The Ministry of Justice supports regularly crime prevention projects and the need and priorities for the call are discussed through with specialists of the field and agreed by the National Crime Prevention Council. There have been also projects supported which have focused to the prevention of the sexual abuse of children. Supported projects: <https://www.kriminaalpoliitika.ee/et/kuriteoennetus/kuriteoennetuse-projektikonkurss-2019>
46. In addition, civil society contribution has been supported by various foreign grants (see also chapter 2.2).

2.4. Official bodies for coordination, implementation and evaluation of policies

47. According to the article 2 of Ratification Act of Convention¹⁶, the Ministry of Justice is responsible for co-ordinating the convention.

¹⁵ <https://www.kriminaalpoliitika.ee/et/kriminaalpoliitika/vagivallaennetuse-tunnustusauhind>

¹⁶ <https://www.riigiteataja.ee/akt/226092017001>

48. In 2015, The Ministry of Justice has formed **violence prevention strategy network** to facilitate sharing information about violence prevention strategy's implementation and news, initiatives, developments in the field of violence, including domestic violence, sexual violence prevention. Network mainly operates as mailing list and has meetings as required.
49. Starting from 2017, a **special lead group of experts** was formed by the Ministry of Social Affairs of Estonia in cooperation with the Ministry of Justice of Estonia with the general objective **to prevent and combat sexual violence** and develop services for victims of sexual violence. In addition, the special aim of the lead group is to provide space for furthering communication for the all relevant ministries and institutions, such as Ministry of the Interior, Ministry of the Justice, the Estonian Forensic Science Institute, Social Insurance Board, the State Prosecutor's Office, Estonian Police and Border Guard Board, to understand better the sexual violence and the best possible care and necessary services for the victims of sexual violence. The Ministry of Social Affairs is responsible for co-ordinating the sexual violence experts leading group. The lead group experts meet at least two times a year.
50. The Ministry of Interior has formed a **cross-sectoral steering group** of the domestic violence action plan for coordinated and strong collaboration, communication and actions between the Ministry of the Interior, the Ministry of Justice, the Ministry of Social Affairs, the Ministry of Education and Research, Social Insurance Board, Prosecutor's office, Police and Border Guard Board, Family Doctors Association, Harju County Court and Association of Estonian Cities and Municipalities in 2019. The steering group gathers 2-4 times per year.
51. In May of 2019 several members of Riigikogu (Estonian Parliament) formed a **support group for the prevention of intimate partner violence and victims** under the leadership of Liina Kersna (current minister of Education and Research). The aim of the support group is to contribute increasing public awareness of the impact of domestic violence on victims and the state at large.

2.5. Data collection

52. Several institutions in Estonia collect data that is relevant for the implementation of the Convention.

Crime statistics

53. Ministry of Justice is responsible for publishing crime statistics. On the basis of the data in E-File system, the Ministry of Justice publish a report on crime during the previous year by 1 March each year. The crime statistics reports include chapters about homicide (including domestic homicides), domestic violence, sexual violence, human trafficking. The incidents are classified according to the crimes defined in the Penal Code. General overview about crime [crime victims](#) is also published in crime statistics report¹⁷. Crime statistics reports are public and can be found in here: <http://www.kriminaalpoliitika.ee/et/statistika-jauuringud/kuritegevus-eestis>.
54. Police is collecting detailed information on all reports about intimate partner violence. Data is disaggregated by type of violence, sex, age, nationality, the relationship of the perpetrator to the victim, geographical location, children's involvement into incident etc. The quality of the data recorded may vary, depending on the thoroughness of the officer entering the data. Data on the victims is sometimes incomplete and needs additional work to be analysable.
55. E-File database provides also information concerning criminal matters in which proceedings are pending, criminal matters not commenced and terminated criminal matters; information concerning acts performed in the course of criminal proceedings; information concerning the bodies conducting proceedings, participants in the proceedings, convicted offenders, experts and witnesses; the decisions (sanctions). Court decision database contains data on the persons charged and sentenced by the courts, disaggregation by crime, sentence and persons prosecuted/convicted.
56. Prisoners' registry contains data about prisoners, detained persons, persons in custody and probationers. Data is disaggregated by type of violence, sex, age and nationality of perpetrators (who have committed offence as § 121 (2) 2 of Penal Code).
57. In addition to crime statistics, **regular analyses about criminal proceedings and its results** are conducted by the Ministry of Justice and Police and Border Guard Board. For example, in 2019 analyse about Pärnu Domestic Violence Pilot Project results (investigation and prosecution of

¹⁷ <https://www.kriminaalpoliitika.ee/kuritegevus2020/kuriteoohvrid>

criminal cases included into pilot)¹⁸ and in 2020 analyse about investigation, prosecution and sentences of physical abuse cases committed in a close relationship¹⁹ was carried out. The Ministry of Justice has contributed with the data into the femicide research carried out in the European Observatory on Femicide's project. Police and Border Guard Board has analysed serious domestic violence cases.

Statistics about services for victims and health statistics

58. Social Insurance Board collects data via **registry called SKAIS**. SKAIS, the Social Protection Information System, is a database belonging to the state information system, which derives from all laws for the purposes of performing the public tasks of the Social Insurance Board, including the provision, offered services, award and payment of state benefits, pensions, benefits and maintenance assistance. For example:
- Data about victim support service receivers: data is disaggregated by sex, age, nationality, the relationship of the perpetrator to the victim, geographical location. Information on underage children is collected as they are also considered in need of help. Data is collected daily since this is a working tool for national victim support.
 - Data about women support centre service receivers: data is disaggregated by age, nationality, the relationship of the victim to the perpetrator, geographical location, number of underaged children, pregnancy, education, disability, type of violence, provided services, participation in MARAC, cooperation parties.
 - Also, data about child helpline²⁰ (www.lasteabi.ee) is collected: reason for calling, the way of getting into contact – call or chat, type of incidence, type of violence, gender and age of the victim, role of one who requests for help.
 - Social Insurance Board is collecting data from all 19 MARACs in every half a year. Data provides information about number of high-risk cases (including results of DASH risk assessments) across every municipality. Besides, description of violence, sex, age, nationality, the relationship of the perpetrator to the victim, children's involvement into the case, the length/period of MARAC network for each case, the initiation of criminal proceedings, number of occupied MARAC support persons etc.
 - Data is made available to the public via regular press releases.
59. The University of Tartu has created a **database for sexual assault centers (SAC)** (Ethics Committee for Human Research of the University of Tartu in 2019, for prospective data collection in 2019-2029. There are 65 variables that are being entered into the database, including data about the survivor, perpetrator(s), details about sexual assault, health harm related to sexual assault and services provided for the survivor. Informed consent for the usage of personal data in the database from adult, under-aged and their adult representatives are being collected from the victims who turn to SAC service.
60. In addition to victim support services, various other service providers in social sector collect customer data. Mainly about the referral, reason for referral, sex and age of client.
61. **Health sector** is collecting the data about health services in the course of medical diagnoses and treatment in hospital inpatient and outpatient departments. Information about possible use of violence as the cause of injury cannot be systematically derived from either the diagnosis or the treatment documents.
62. **The Causes of Death Register**²¹ was established in 2007 by the Ministry of Social Affairs and it contains also data on deaths caused by violence disaggregated by victim age, sex, place of residence, place of the death, circumstances causing death and the cause identifier. Data originates from an ambulance card and a death notice and will be entered to the database by health care providers and forensic experts.

¹⁸

https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/tamm_k_kruusement_a_2019_lahisuhtevagivalla_menetlus-ja_karistuspraktika_parnumaa_2018_a_projekti_naitel.pdf

¹⁹ https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/menetlus-ja_karistuspraktika_lahisuhtes_kehalise_vaarkohtlemise_juhtumites_veebi_0.pdf

²⁰ <https://www.lasteabi.ee/>

²¹ <https://www.tai.ee/et/tegevused/registrid/surma-pohjuste-register>

2.6. Research and surveys

63. Several surveys have been conducted that have touched upon the subject of violence against women, domestic violence and also children abuse. Below is offered selection of the most important studies. For further information on these studies, please see the links in the footnotes.

Surveys on protection and support of crime victims

64. **Survey on protection and treatment of crime victims (2017)**²² was commissioned by the Ministry of Justice with the support of the European Regional Development Fund (46 800€) and conducted by the Centre for Applied Social Research RAKE of the University of Tartu.

The study found that there is room for improvement in the treatment, information and involvement of victims in the proceedings. Assessing the victim's needs and informing him or her of the possibilities for assistance is not sufficiently based on the victim's point of view. Victims understanding of their rights is hampered by, among other things, the legal use of language and the lack of ability of professionals to explain victims' rights easily and intelligibly. It is therefore necessary for the law enforcement system to change the way information is shared so that it reaches the victim, their relatives and other people involved in the incident.

Victims generally appreciate the work of professionals. The specialists themselves pointed out that the fact that they have to deal with many different technical bottlenecks in their work, both internally and externally, was pointed out as a factor hindering the treatment of victims based on their needs. As suggested in the study, there is a need for co-operation between different authorities in the law enforcement system in order to make the proceedings of the victim smoother.

65. **The Methodology of Impact Assessment of MARAC Implementation in Estonia, 2016**²³. Study was commissioned by the Ministry of the Interior with the support of the European Social Fund (ESF) and was conducted by the Centre for Applied Social Research RAKE of the University of Tartu.

In 2016, the study focused on developing a methodology to determine the effectiveness, necessity and feasibility of the case management model of high-risk intimate partner violence named Multi-Agency Risk Assessment Conference (MARAC) in Estonia. The model impact assessment includes the effect of MARAC programme on victims and the cost-effectiveness of the intervention programme. The impact assessment is planned to carry out in 2022.

66. **Literature analyse about victim-centered approach in four countries**²⁴. In 2020, a study was commissioned by the Social Insurance Board and conducted by Praxis think tank.
67. **Overview about perpetrators interventions in Estonia**²⁵. In 2020, the Social Insurance Board mapped an overview on existing programs for perpetrators of domestic violence and research that has been conducted on the effects of the programs. In addition, feedback from men who had completed perpetrator programs was collected.

Gender equality and attitude on intimate partner violence

68. **Gender Equality Monitoring** is a survey conducted by the Ministry of Social Affairs, the aim of which is to obtain an overview of the attitudes and experiences of Estonian men and women on issues related to gender equality and inequality. The purpose of gender equality monitoring is to look at whether and how gender construction has changed over time and how attitudes differ across background groups. The monitoring also maps the exposure of men and women to gender inequality and the division of duties and responsibilities between the sexes. So far, monitoring has been carried out five times (2016²⁶, 2013, 2009, 2005, 2003). The completed gender equality studies can be found on the [website of the Ministry of Social Affairs](#).

²² Study reports are available here: <https://www.kriminaalpoliitika.ee/et/uuringute-andmestikud/kuriteoohvrite-kaitse-ja-kohtlemise-uuring-2017>

²³ https://skytte.ut.ee/sites/default/files/skytte/maraci_uuringu_lopparuanne.pdf

²⁴ <http://www.praxis.ee/wp-content/uploads/2020/12/Ohvrikeskne.lahenemine.pdf>.

²⁵

https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kass_v_2020_ulevaade_vagivallast_loobumise_toetamise_teenustest_eestis.pdf

²⁶ <https://www.sm.ee/sites/default/files/content->

editors/Ministeerium_kontaktid/Uuringu_ja_analuusid/Sotsiaalvaldkond/soolise_vordoiguslikkuse_monitooringu_raport_2016.pdf

69. **Promoting gender equality in educational projects**²⁷. In 2020, the analysis commissioned by the Ministry of Social Affairs and carried out by the Praxis think tank examined whether and how gender equality has been promoted in structurally funded educational projects. Among other things, the analysis provides recommendations on how to integrate equality more effectively into projects.
70. **Building a Unified System for Preventing Intimate Partner Violence in Estonia, 2013-2015**. It was a project of NGO Estonian Institute for Open Society supported by Norway grants, which included also several surveys: attitudes and experiences on issues related to intimate partner violence among social workers²⁸, health care specialists²⁹, police³⁰ and lawyers³¹, and study on the calculation of the cost³² of intimate partner violence. Article³³ summarizing main results of these studies was published in parliamentary magazine “*Riigikogu toimetised*” in 2020.
71. **Developing gender stereotype-free and efficient law enforcement system for prevention of gender-based violence, 2019-2021**. It is a two-year project financed by Active citizens fund (with the support of the EMP financial mechanism) and carried out by NGO Estonian Institute for Open Society Research in 01.12.2019-30.11.2021. The central objective of the project is the development of a law enforcement culture and communication standards free of gender stereotypes which would increase the victims’ trust in law enforcement agencies and encourage them to cooperate. The project is necessary for training law enforcement specialists to handle cases of gender-based violence without being hindered by gender stereotypes and to update the legal regulation concerning gender-based and intimate relationship violence. The project will include basic surveys: a nationwide study of victims, interviews with law enforcement specialists, in-depth interviews with victims and an analysis of court dossiers. The partners of the project are the University of Tartu law faculty, Tallinn Crisis Centre for Women and a foreign partner from Iceland (The Icelandic Women’s Rights Association). The main target group of the project consists of law enforcement specialists encountering intimate partner violence: prosecutors, judges, barristers, police detectives, trainers-lecturers, who will arrange lectures (courses) on intimate partner violence to the specialists of the above fields.
72. **Gender-based and sexual harassment in higher education**³⁴. In 2020 Estonian Ministry of Education and Research co-funded a study, which was ordered by the ministry’s partner the Federation of Estonian Student Unions. The summary of the report in English can be found [here](#).

Population-based victim and health surveys

73. **Crime Victim Survey**. Since 2010, the Ministry of Justice carries out each year small-scale victim survey. The study covers the following types of violence: threat, robbery, assault, etc. More information about victim studies can be found [here](#).
74. **Estonian Women’s Health Survey, 2014**. A population-based study that mapped, among other factors, the prevalence and health harm of physical, mental and sexual violence. The results of the study³⁵ can be found [here](#). In addition, three scientific publications³⁶ about the results have been published. The study was carried out by RAKE and the scientists of the University of Tartu.
75. **Estonian Men’s Health and Behaviour, 2014**. A population-based study that mapped, among other factors, the prevalence and health harm of physical, mental and sexual violence. The results

²⁷ <https://kompetentsikeskus.sm.ee/valjaanded/soolise-vordoiguslikkuse-edendamise-haridusprojektides>

²⁸ http://media.voog.com/0000/0035/2397/files/7_Sotsiaalt%C3%B6%C3%B6tjate%20k%C3%BCsitlus.pdf

²⁹ http://media.voog.com/0000/0035/2397/files/7_%20Meedikute%20k%C3%BCsitlus.pdf

³⁰ http://media.voog.com/0000/0035/2397/files/7_Politseit%C3%B6%C3%B6tjate%20k%C3%BCsitlus.pdf

³¹ http://media.voog.com/0000/0035/2397/files/7_Aruanne%20Juristide%20k%C3%BCsitlus.pdf

³² https://www.sm.ee/sites/default/files/content-editors/Sotsiaal/Norra/vagivalla_hind.pdf

³³ <https://rito.riigikogu.ee/wordpress/wp-content/uploads/2020/12/Kaugia.pdf>

³⁴ <https://eyl.ee/wp-content/uploads/2020/02/Sooline-ja-seksuaalne-ahistamine-k%C3%B5rghariduses.pdf>; in English:

<https://eyl.ee/wp-content/uploads/2020/02/Sooline-ja-seksuaalne-ahistamine-k%C3%B5rghariduses-English-summary.pdf>

³⁵ https://sisu.ut.ee/sites/default/files/naisteterviseuuring/files/uusestre2014_loppraport.pdf.

³⁶ Lippus H, Laanpere M, Part K, Ringmets I, Karro H. What do we know about the impact of sexual violence on health and health behaviour of women in Estonia? BMC Public Health, 2020, 20 (Dec); Lippus H, Soo K, Laanpere M, Yount K, Part K, Ringmets I, Ainsaar M, Karro H. The prevalence and patterns of exposure to interpersonal violence among men and women in Estonia. PLoS ONE, 2020, 15 (8), ARTN e0237562; Lippus H, Laanpere M, Part K, Ringmets I, Karro H. Polyvictimization and the associations between poor self-perceived health, dissatisfaction with life, and sexual dysfunction among women in Estonia. Journal of Interpersonal Violence, 2018 June

of the survey³⁷ can be found [here](#). The study was carried out by RAKE and the scientists of the University of Tartu.

76. **Government Office COVID-19 study 6th report³⁸, 2020.** The study involved the questions about experiencing physical and psychological violence committed by a family member and whether victims were aware of victim helpline.
77. **European survey on gender-based violence, 2020-2022.** In October 2021, Statistics Estonia will start conducting a survey on gender-based violence - EU Survey on Gender-Based violence against women and other forms of interpersonal Violence. This is a population-based state-wide survey. Data collection will last until August 2022 and the first results will be published in the spring of 2023. The main topics covered in the survey are sexual harassment in the workplace, violence by current/former partner and by non-partner, harassment and repeatedly offensive experiences, violence in childhood, getting help (support services) etc.
78. **[Crime, safety and victims' rights – Fundamental Rights Survey³⁹, 2021.](#)** FRA conducted the first comprehensive, EU-wide survey of people's experiences and views on crime victimisation. In total almost 35 000 people completed the survey in 2019; some 1,000 people completed the questionnaire in Estonia. Over one in 20 (6%) people in the EU experienced physical violence in the year before the survey. The results showed that Estonia has the highest level of domestic violence in Europe, and of all European countries, physical violence is also most experienced in Estonia (and Finland). In Estonia, the level of reporting the latest incident of physical violence to the police is the lowest in Europe - 13 % (30% in Europe). Most vulnerable target groups are young people and people with special needs who are more exposed to violence. Compared to the Estonians are less willing to personally intervene in domestic violence that occur in street violence than European average.

Youth victimization studies

79. **[Survey on the prevalence of sexual abuse of children and young people, 2015⁴⁰](#)**. In 2015, the Ministry of Justice commissioned a study to find out the prevalence of sexual abuse of children and young people. The study was conducted by the Centre for Applied Social Research (RAKE) of the University of Tartu in cooperation with the Institute of Social Sciences. **In 2020**, at the request of the Ministry of Justice, Eesti Uuringukeskus OÜ conducted a **[“Survey of Attitudes and Experiences of Sexual Abuse of Children and Young People⁴¹”](#)**. The survey revealed that 45% of Estonian youth aged 16–26 have been victims of sexual harassment or sexual violence online or offline during their lifetime. At the time of the first case, the average age of the victim was 15.7 years. Most young people want to receive information about sexual abuse from school (49%) and prevention programs (40%) and a quarter of children would like to talk to their parents about this. Summary of last study results in English can be found [here](#).
80. The National Institute for Health Development publishes the results of **the Health Behaviour of Estonian Schoolchildren (HBSC study)**. It is international study, that covers issues as bullying, injuries, mental health etc. Study have been carried out in Estonia 5 times (2002, 2006, 2010, 2014, 2018). The last report⁴² can be found [here](#).
81. **International Self-Reported Juvenile Delinquency Studies⁴³**. ISRD-2 was carried out in 2006 and ISRD-3 in 2014 in Estonia. Among others, the issues as bullying and child abuse by parents were studied.

³⁷ Themas, A., Ainsaar, M., Soo, K., Sammul, M., Uusküla, A., Tarum, H., Hendrikson, R., Arak, T., Espenberg, K., & Varblane, U. (2015). Eesti meeste hoiakute ja käitumise uuring: tervis, haridus, tööhõive, ränne ja pereloomed. Tartu: Tartu Ülikool. https://skytte.ut.ee/sites/default/files/ec/meeste_uuring_2015_lopparuanne.pdf

³⁸ <https://www.riigikantselei.ee/uuringud>

³⁹ <https://fra.europa.eu/en/publication/2021/fundamental-rights-survey-crime>

⁴⁰ <https://www.kriminaalpoliitika.ee/et/lasteuuring>

⁴¹ <https://www.just.ee/et/laste-ja-noorte-seksuaalse-vaarkohtlemise-uuring>

⁴² https://intra.tai.ee/images/prints/documents/157970053289_eesti_kooliopilaste_tervisekaitumine.pdf

⁴³ <https://www.kriminaalpoliitika.ee/et/isrd>

III. Prevention

3.1. Campaigns and programmes

82. Different organisations in state and local level, NGO-s and private sector arrange annually various campaigns, seminars and other activities on violence against women and domestic violence to raise public awareness, promote changes in attitudes and strengthen professional skills.
83. **“1ELU” (1LIFE), 2017.** The campaign “1ELU” focused to prevent trafficking in human beings, turning attention for the possibilities getting help and advice, took place nationally in biggest towns of Estonia and also in national online media, from January 2017 until June 2017. There were online and social media activities in the campaign, also commercials in the shopping centres in the biggest towns in Estonia, commercials in Apollo cinemas in front of the movies, also informative videos shown on the screens in the Tallinn bus station, airport and ports in Tallinn, on Tallink ferries, also in e-school program for juveniles and parents, etc. Project was run by Ministry of Justice and Social Affairs with the partnership of NGO Living For Tomorrow and Estonian Human Rights Center. Special FB page was established (<https://www.facebook.com/1ELU-705600759611129/?fref=ts>) and videos can be found in YouTube as follows: <https://www.youtube.com/channel/UCgWFDoe6VC0evDO3GU90VRg>.
84. **Campaign “Ära ole SEKSEI!”, 2018.** The Estonian Sexual Health Association, together with young people, launched a sexual violence prevention and awareness-raising campaign for young people, the aim of which was for young people themselves to talk about sexual violence, how it actually affects them and, in the language, they speak.
85. **Campaign “Aga mina julgen sekkuda” (But I have the courage to intervene), 2018.** The campaign calls on people to intervene when they notice intimate partner violence. The aim of the campaign was to encourage people to notice and report intimate partner violence and to set an example. The campaign also encouraged children and young people to report domestic violence. The campaign was run in June of 2018 and was led by Police and Border Guard Board. It was a part of the “But I” (<https://agamina.ee/>) value-based joint campaign, which lasted the whole of 2018 and aimed to give future generations a healthier and safer living environment. Campaign videos and visuals: <https://youtu.be/aNA4TxGRlrg>; <https://www.politsei.ee/et/juhend/ennetusprojektid>.
86. **Campaign #meieajakangelane (Hero of our time), 2019.** The campaign started in October of 2019 as a civic initiative, which aimed to give victims of domestic violence the strength and courage to ask for help. The campaign aimed to raise people’s awareness of intimate partner violence so that those in need are surrounded by understanding and support. The campaign was organized by Women’s Support and Information Center, the Social Insurance Board's victim support and marketing agency Havas. Campaign visuals: <https://ameieajakangelane.ee/>
87. **Campaign “Olen mees, ma ei löö” (I’m a man, I don’t hit), 2020.** In cooperation with Police and Border Guard Board, the Social Insurance Board and Estonian Energy, a campaign against intimate partner violence (focus on raising men’s awareness) was launched in autumn 2020. In particular, the campaign aimed at raising awareness of the residents of Ida-Virumaa (which is one of the Estonian counties most struggling with intimate partner violence) about the problem of domestic violence, sharing knowledge about the possibilities of receiving help and promoting a healthy relationship.
88. **Campaign “Sinu sekkumine võib päästa kellegi elu”, 2020.** The campaign aimed to encourage neighbours and other witnesses to notice and report domestic violence. The campaign was launched in May of 2020 and was organized by Social Insurance Board. Several marketing and media agencies contributed *pro bono*. Campaign videos: <https://youtu.be/NZtoSuRu-HI>
89. **Campaign “Milline meeskuju tahad Sina olla?” (What kind of role model are you), 2020.** The aim of the Social Insurance Board's campaign was to invite men to pay attention to their behavior and how the behavior affects their loved ones and to encourage perpetrators to seek help. On the one hand, the message of the campaign was that we all have the opportunity and power to decide our own behavior at any time. However, changing behavior is not always easy, but support can be found. The campaign was launched in September and was run until the end of November of 2020. Campaign materials: <https://www.palunabi.ee/meeskuju>.

90. **Regular awareness raising activities throughout the year in media, including social media** have been carried out by different ministries, police, prosecutor's office, victim support in cooperation with other organisations. These activities include also sharing information on how to get and call for help (for both victims and bystanders). For example, awareness raising notices and posts have been made also on various anniversaries and holidays (eg Women's Day, Midsummer's Day, the international day for the elimination of violence against women, before and during Christmas, etc.).
91. Various media articles have been published about importance of prevention of violence against women and domestic violence. A good example is weekly **newspaper Sirp special issue (June 30, 2017) on intimate partner violence**. More information can be found: www.sirp.ee. In February 2021, **Levila** (web-based media publications) published **broadcasts about harassment in theater circles**. More information can be found: <https://levila.ee/raadio/levila-saade-1-osa/levila-saade-ahistamine-teatriringides>.
92. In violence prevention, the role of the police is first and foremost to notice and to communicate the problem, to raise awareness and to ensure the protection of victims through effective investigation of cases. Prevention focuses on network-based intervention of cases in which the police are involved as a partner. The police no longer have a leading role in dating violence prevention lectures for the youth, instead they have been focusing on network-based work as well as more effective risk assessment.

Women's Support Centers and other organisations awareness raising projects and initiatives

93. Women's Support Centers have initiated numerous awareness raising campaigns and activities to support women's rights, offer trainings and carry out research projects in cooperation with national and international partners. Some examples will be introduced above.
94. The information **campaign STEP UP against violence against women** was launched in May 2016, which aimed to ensure that women who have experienced violence and their children have access to help and protection from violence. The campaign was organized by Women against Violence Europe (WAVE), NGO Women's Support and Information Center, Estonian Association of Women's Shelters and Tartu Children's Support Center.
95. Pärnu Women's Support Center has organized **the campaigns "Tühi taldrik" (Empty Plate)** in 2017, which addressed the shortages in maintenance payment system, and **the campaign "Suukorv" (Muzzle)** in 2019, which aimed at women right to speak publicly about their life with an abusive partner.
96. Project **TOGETHER AWARE, 2021-2022**: NGO Pärnu Women's Support Centre, NGO Women's Support and Information Centre, NGO For the protection of Non-Violent Life and the Icelandic partner organization Róttín are jointly implementing the project "Trained specialists help to reduce domestic violence in Estonia". The project will be carried out in 01.02.2021-31.07.2022. The general objective of the project is through trainings conducted in five major regions of Estonia, to raise awareness of specialists in contact with victims of domestic violence at the primary level, the causes, consequences and possibilities of assistance, and more effective cooperation between agencies has helped reduce domestic violence in Estonian society. The training material produced by the project deals with intimate partner violence very extensively and, in addition to the key elements, addiction issues, violence against the elderly and cyber violence, distance counselling and cooperation mechanisms have been introduced as new topics. In addition to the specifics of intimate partner violence, specialists are also trained to work as joint regional teams. As a result of the project work, the members of the network trained work together to find the best solution for each person in need, in order to avoid re-victimization.
97. Since 2019, Pärnu Women's Support Center awards **the prize OKAS** to recognize those who contribute to prevention of intimate partner violence. The first Okas was given to Eero Epner, who wrote an article about domestic violence in weekly magazine Eesti Ekspress⁴⁴. In 2020, the award was given to Estonian president Kersti Kaljulaid, who has actively drawn public attention to the issue of intimate partner violence in her speeches, visits and other activities.
98. Women's Support and Information Center contributed to awareness raising with several other project, more information can be found [here](#).

⁴⁴ <https://ekspress.delfi.ee/artikkel/86089669/sest-nad-saavad>

Other projects aimed at raising public awareness and improving victim support

99. **Performance „Privaatsuse sooviavalduse ilmestamine“ (Illustration of a Privacy Request).** In 2016, Estonian artist Flo Kasearu’s performance “Illustration of a Privacy Request” (participated also at Artishok Biennale) was performed in the NO99 Theater. During the two-hour performance, women victims of domestic violence read out to the audience excerpts from their case files. The women themselves did not take the stage, but sat among the audience gathered in the hall, as if to symbolize that there may be someone next to us who has suffered intimate partner or domestic violence.
100. In August of 2020, [concert Maarja Missa](#), composed by Maarja Faust and performed by chamber choir Collegium Musicale was premiered. The work was dedicated to all victims of violence against women.
101. **SeRV project, 2019-2021:** It is a two-year project financed by European Commission and will be carried out in 2019-2021 by the University of Tartu. Project is about services and Rights for Victims of Crime, which involves partners from Italy, Spain, Romania, Germany, Estonia, and Portugal, seeks to address the gaps and in-service provision and **identify national models capable of effectively providing comprehensive victim support services** within each partner country.
102. Also, in 2020 several projects to prevent domestic violence and trafficking in women were supported by foreign grants. EEA and Norwegian Financial Mechanisms 2014 – 2021 Programme Area Domestic and Gender-based Violence has areas of support titled Prevention of domestic and gender-based violence, and Protection and support for victims of domestic and gender-based violence. Please see also information presented in chapter 2.3.
103. In January of 2021 Tallinn Art Hall presented **exhibition “Elust välja lõigatud” (Cut out of life) by Estonian artist Flo Kasearu**, which conceptualises domestic violence against women, a social problem with devastating and severe effects on society. More information about exhibition can be found [here](#).
104. **MARVOW, 2020-2022: Multi-Agency Responses to Violence against Older Women EU project.** It is a two-year project financed by European Commission. Project will be carried out on 2020-2022 by six partners, with the support of nine associate partners in four European countries. **University of Tartu** is a partner from Estonia. The MARVOW project will develop and implement a comprehensive **multiagency cooperation model for working with elderly victims of abuse**. It will do so by bringing together a wide range of stakeholders from relevant sectors of activity (eldercare, healthcare, protection and social services, judiciary and police among others) to identify the gaps that exist within current systems that hinder their ability to adequately serve older victims.
105. **INTIT, 2020-2022: Integrated trauma informed therapy for child victims of violence, 2020-2022. University of Tartu is a project partner from Estonia.** INTIT focuses on looking at **how to assure the provision of evidence-based trauma informed services and therapy for child victims of interpersonal violence and abuse**. This will be done with a specific focus on continued expansion of Barnahus in countries that have adopted the model (e.g., Estonia), while exploring how to assure the inclusion of trauma-informed treatment in Member States within an integrated care system.
106. **AREV, 2021-2023:** Advancing Rights of Estonian Victims. Ministry of Justice is a project partner and initiator of the project from Estonia. It is a two-year project financed by European Commission for years 2021-2023 and carried out by Victim Support Europe. Project aim is to ensure effective referral and assistance mechanisms of victims of crime for reducing the harm of victimization.
107. In the end of 2020, Estonia has written a **project to the Nordic Council of Ministers** with the aim to form an international platform in order **to raise awareness, prevent gender-based violence and achieve better safety and help for the victims of domestic violence as well as promote the Istanbul Convention**. The platform would bring together practitioners, experts and policy makers from the Nordic and Baltic countries for exchanging expertise, experience and information in domestic violence area.
108. The Ministry of the Interior with partners is organising a two-day **international conference on psychological violence**. It will be held in Tallinn in September 2021 and livestreamed in order to enable participation of more specialists and even during possible lockdown period. The aim is to start discussion among specialists concerning violence, especially psychological violence and coercive control that is one of the most difficult forms of violence to detect and tackle.

Prevention of violence in sport

109. Since 2018 campaigns and prevention activities have been carried out for the **prevention of sexual abuse and harassment in sports**, coordinated by the Ministry of Justice.

- In 2018 End Child Sexual Abuse Day on November 18th was dedicate to prevention of sexual abuse in sports.
- In 2019 Estonia joined the [Star to Talk](#) initiative. Estonia distributed the "[Start to Talk!](#)" [prevention video](#) on various platforms and screens, also in the service bureaus of Police and Border Guard Board, that ran on the screens for more than a year.
- Since 2018 there have been many trainings in various sports organisations on prevention of abuse of children, including the prevention of sexual abuse and harassment of children and youth.
- In 2019 international conference was organised in Tallinn for more than 200 participants from the field of sports on preventing abuse and harassment of children and youth in sports. The [video-recording of the seminar](#) is available online. As a part of the event, a [handbook](#) on prevention of abuse was composed for sports organisations.
- In 2020 [a guideline for sports organisations](#) was composed for taking steps in case an incident of abuse should occur in a sports organization – for careful handling the case, organizing crisis communication and referral of the case to the law enforcement. There is also separate [web-page](#) for all respective information for preventing child sexual abuse and harassment in sports.

3.2. Teaching materials in formal education

110. **Gender equality and tolerance are fundamental values in both the National curriculum for basic schools and National curriculum for secondary schools.** This means that the educational institutions must organize studies that protect and promote the mental and physical health of pupils. In developing the social and mental environment school life shall be organized on the basis of principles of ethnic, racial and gender equality. The national curriculums both have personal social and health education (PSHE) as a subject as part of the compulsory syllabus. PSHE covers topics like differences between genders, how to maintain physical and mental health, how to protect oneself, STDs, norms in partnership, sexual education, where to get help etc. All of the curriculum is covered by study materials and the teachers are autonomous in selecting the study materials they want to use.

111. In 2016 the ministry created a **e-Schoolbag** (<https://e-koolikott.ee/>) which is a portal for digital learning materials. The portal contains materials for basic, general and vocational education, comprising digital learning material arranged by keywords on the basis of the curriculum. It is accessible by everyone and the Ministry of Education and Research encourages partners to upload the materials they have created to the portal to ensure that they reach their target group. Currently the portal contains approximately 200 different units of study materials in the topic of social and health education. The portal is actively used by pupils, for example in the end of the last year 80% students were using it daily.

112. Teacher training material "Healthy and safe relationships: preventing dating violence" was adapted in 2016 from UK Home Office teaching material "Expect Respect" with the general aim to increase safety, social support and relationship skills among vulnerable youth. Since then, the 1-day training days to assist school personnel and other community partners are organised by University of Tartu and the National Institute for Health Development of Estonia. The Expect Respect Program is a school-based program designed to promote safe and healthy relationships for children and young people aged 14-18. It contains age-appropriate activities and will help hold conversations about the root causes of violence and educate young people on gender-based violence. In 2018, 185 teachers/school psychologists/school social workers were educated, in 2019 - 125 participants, 2020 - 101 participants. In spring 2020, a first wave of a school survey "HIV related knowledge, attitudes and behaviour" among 7.-9. grade pupils (n= 630) showed that 25% responded that dating and sexual violence topics were thoroughly handled in school lessons, and an additional 35% responded that these topics were handled "to a certain extent"; 40% responded that these topics were not handled in school lessons. Among the respondents in grades 10-12 (n=478), the respective figures were 24%, 41% and 35%. This may be regarded as rather good result, bearing in mind that the teacher training program started only in 2016.

113. As a reaction to the COVID-19 pandemic, in 2020 an online course was developed and piloted amongst teachers to keep providing science-based training to teachers.
114. In 2020, **e-lectures were offered on the platform of Back to School** ("[Tagasi kooli](https://registreeru.tagasikooli.ee/e-tunnid/)"⁴⁵) on sexual violence and trafficking in human beings. These lectures were offered by specialist in the field for school pupils in different age groups. Simultaneously hundreds of pupils all over Estonia could participate at the lectures, which were accompanied with also with worksheets on the topic.
- Adviser and midwife of Tartu Sexual Health Clinic, Tiivi Pihla, hold [a lecture on "How to Recognize Dating Violence?"](https://www.youtube.com/watch?v=aUO5Zy7k6rg) in Estonian for 7th to 9 grade.
 - A lecturer at the University of Tartu and an expert at the Victim Support Crisis Support Centers for Sexual Violence, Kai Part, talks about "**The Face of Sexual Violence in Estonia?**". The e-lesson is suitable for students of classes 10-12. <https://www.youtube.com/watch?v=Dd6HmNq5e88&t=57s>
 - Chief Specialist of Children´s House of the Social Insurance Board, Lilia Tkatsš, hold a lecture on "**How to avoid sexual abuse?**" in Russian for 7th to 9 grade. <https://www.youtube.com/watch?v=j6Q4-zCDveU>
 - Chief Specialist of Children´s House of the Social Insurance Board, Kai Hallik, gave a lecture "**Which are my options to prevent sexual abuse?**" for 7th to 9th grade. https://www.youtube.com/watch?v=k-5_X38UwH8
 - The head of Children´s House of the Social Insurance Board, Anna Frank-Viron, hold a lecture on "**Which are my options to prevent sexual abuse?**" for 10th to 12 grade. https://www.youtube.com/watch?v=_SfaPalgCOA.

3.3. Professionals initial training

Police

115. **The initial training for the police officers** is provided by the Estonian Academy of Security Sciences. Studies are implemented on the levels of vocational training, professional higher education and Master´s studies as in both forms of daily- and distance studies.
116. You can become a police officer either by completing one year and six months of specialization as a police officer (vocational study) or professional higher education (3 years), where in the last year you can choose either law enforcement or criminal police in-depth training. Topics in initial trainings:
- A conference has been organized every year, which started with the **joint elective of Tallinn Health Care College and the Academy of Internal Affairs** "Domestic Violence and Case Resolution". It is aimed primarily at students from both schools, future professionals dealing with incidents of violence, in order to harmonize knowledge, understanding and improve cooperation.
 - The higher and vocational education curriculum includes a topic in the module on the protection of public order: Resolving the incident of domestic violence and applying the principles of restorative law. The sub-topics are: The role and tasks of the police in resolving a case of domestic violence (incl. Filling in the intimate partner violence leaflet); risk assessment and planning of further activities (DASH); carrying out follow-up of domestic violence and planning cooperation with aid agencies; storing information on a case of domestic violence in databases.
 - In vocational training, it is possible to choose a module of basic studies in community policing within the framework of optional studies, where one of the topics is the nature and general spread of violence.
 - One of the topics in the in-depth law enforcement module is knowing the nature and development trends of violence. Its sub-topics are: General prevalence of violence, statistical

⁴⁵ <https://registreeru.tagasikooli.ee/e-tunnid/>

analysis; Nature of violence (definitions, causes, types, effects, characteristics, etc.); Theories of violence; Effects and consequences of violence on children (short-term, long-term effects)

- One of the topics in the in-depth training module of the Criminal Police is proceedings of serious crimes against persons / violence: including victims in need of special treatment, methodology for investigating violent crimes
- From 2020 there is a subject called "Prevention of domestic violence" in the Estonian Academy of Security Sciences in the police curricula.
- It is being discussed to include the issue of hate crimes in curricula.

Lawyers

117. **Initial training for lawyers** administered by Tartu University law faculty:

- **Intimate partner violence in today's society** (4 ECTS) is an elective undergraduate course for law students, course is offered since 2015/2016.
- Additional training course "From norm-centered thinking to open and holistic approach of intimate partner violence (*Normikesksest mõtlemisest avatud ja süsteemse arusaamani lähisuhtevägivallas*)" (4 ECTS) was carried out as an elective course in 2018/2019 for law students.

Social workers

118. Courses administered by the **Institute of Social Studies**, University of Tartu. Courses are mainly for students studying becoming **social workers**, but are accessible also for other students:

- **Gender-Based Violence** is an elective undergraduate course (3 ECTS). The course focuses on the theoretical and practical approaches of gender-based violence. It is addressed to students of social sciences, medicine and other disciplines, who want to know more about the phenomenon of violence or will need this knowledge in their further work. The course aims to introduce the terminology, typology, and theoretical approaches of gender-based violence, as well as to provide an overview of effects of violence on victims, general principles of victim assistance, legal regulations, and violence-related myths. The course will be offered each second year. In year 2018/2019 41 students and in 2020/2021 43 students participated.
- **Violence and Society's Response in the Context of Social Policy and Social Work** is an elective master's study course, completely conducted in e-learning format (6 ECTS). The course gives an overview of theoretical concepts and practical social work of domestic violence. The topics such as intimate partner violence, child abuse, and elder abuse are mainly covered in the course. In 2017/2018 68 students, in 2019/2019 also 68 and in 2019/2020 already 93 students participated in the course.

General Nurse and Midwives

119. In Tallinn Health Care College intimate partner violence topics are addressed throughout every module within the curriculum of General Nurse and the curriculum of Midwifery.

- Outcomes of the curriculum of General Nurse: is able to independently diagnose and provide quality process-based nursing care linking nursing theory and practice as well as the knowledge from other fields: collects information, evaluates and analyses critically the needs of nursing care, plans nursing care according to the patient's needs and evaluates and analyses the quality of care; is able to independently council, supervise and support people and their families needing nursing care to promote the health of a single individual as well as of community and ensure quality care and well-being.
- Subject of „Child's Health and Development“ (2 ECTS) in curriculum of General Nurse. Topic: Is able to assess the infant's and toddler's health status and act in case of noticing a child in need (2 h). Number of students from 2017/18-2020/21: 676.
- Subject of "Nursing Process and Patient Education Foundations" (4 ECTS) in curriculum of General Nurse. Topic: Assessing health condition of a patient. (4 h). Number of students from 2017/18-2020/21: 769.

- Subject „Healthy Human/Reproductive Health“ in curriculum of Midwifery. Number of students from 2017/18-2020/21: 115. Necessity of the subject’s outcome sexual health derives from competence requirements about sexual health and problems related to sexuality written in 2019 by the International Confederation of Midwives and the WHO framework Document about midwifery education entitled Strengthening quality midwifery education for Universal Health Coverage 2030: Framework for action. One of the learning outcomes of the subject „Gynaecological Diseases“: knows the organisation of emergency triage of women’s clinic and helping a victim of sexual violence.
 - Subject “Clinical Psychology” in curriculum of Midwifery. Topics: pregnancy crisis; learning outcomes: Knows various psychosocial and clinical risk factors affecting human mental health and is able to find evidence for them (this output also covers intimate partner violence topics). Between 2017 and 2020, a total of 75 midwifery students completed this subject.
 - Subject “Practice in mental health nursing” in curriculum of Midwifery. Topics: pregnancy crisis; learning outcomes: Solves cases of pregnancy crisis in simulation, analyse changes in mental health status and coping problems related to reproductive health, including the postpartum period (this output addresses also the issue of intimate partner violence). In the period 2017–2020, a total of 75 midwifery students passed the subject. In addition, in the subject „Mental Health Nursing“ students of midwifery have actively participated in organising and carrying out violence-themed information days and conferences.
 - In addition, the training has been carried out within continuing education curriculum entitled „Addressing the patient with special needs“ 40 hours. Topic: Case of domestic violence in A&E, the patient was with slight mental disability. 68 health care employees have completed the programme, they encounter patients with special needs in hospitals, nursing homes and general practitioners’ centres.
120. Joint subject was developed as collaboration development between Tallinn Health Care College and The Estonian Academy of Security Sciences in 2015: Intimate Partner Violence/Domestic Violence and Case Study. The aim of the subject is to prepare the student to solve domestic violence case in collaboration with different parties. Volume of the subject is 4 ECTS (44 academic/classroom hours, 60 hours e-learning). The topics addressed: dynamics and patterns of intimate partner violence; prevalence of intimate partner violence; gender equality; risk factors of intimate partner violence; legal frames of intimate partner violence, including the Istanbul Convention; solving intimate partner violence case at the police department; influence of intimate partner violence on health; treating intimate partner violence victim in healthcare system; prevention of intimate partner violence. A total of 61 students from Tallinn University of Health Care participated in the course in the period 2017–2021.
121. Conferences marking the International Day for the Elimination of Violence against Women (25.11) have grown out of the optional course, organised in collaboration with the Estonian Academy of Security Sciences. The performers at the conference have been from the disciplines of healthcare, social and legal protection. On 27th of November in 2017, the conference “Domestic Violence in a Changing World” was held, with 120 participants. The conference "Becoming more aware of intimate partner violence" took place on 27.11.2019, with 110 participants.
122. Carrying out simulation and debriefing entitled „Violence during pregnancy and case resolution“ (Marika Merits, Mare Tupits, Rauni Rohuniit) in the frames of international week and in collaboration between Tallinn Health Care College and the Estonian Academy of Security Sciences.
123. Recently one research project „The attitudes of Tallinn Health Care College students regarding violence against women (27.03.2019–31.12.2023)“ is being carried out by Tallinn Health Care College (researchers: Mare Tupits, Silja Mets-Oja, Kadi Lubi).
124. Several publications have been made and theses⁴⁶ defended that address the intimate partner violence in Tallinn Health Care College.

⁴⁶ For example: Intimate partner violence against pregnant and delivered woman and its consequences: final theses. Authors: Kristiina Kuusma, Liisi Saarme; tutor Marika Merits.; Intimate partner violence impact on pregnancy and postpartum period and counselling possibilities in Estonia: final thesis. Author: Angela Andresson; tutor Marika Merits.

Health system specialists

125. Initial training for medical students in medical faculty in University of Tartu:

- 2nd year medical students have a mandatory seminar (2 academic hours) on intimate-partner violence in Health Promotion (4ECTS)
- 5th year medical students have a mandatory seminar (2 academic hours) on help for sexual violence in health care in Obstetrics and Gynaecology (8 ECTS)

126. Initial training for resident doctors in obstetrics and gynaecology specialization in medical faculty in University of Tartu

- A mandatory 2-day course covering topics of violence against women, questioning myths and gender stereotypes, intimate-partner violence – phenomenon, care in health care, trauma reactions, reporting, sexual violence standardized care in health care, the needs and rights of victims, prevention of secondary victimization, multi-agency co-operation

127. Initial training for resident doctors in family medicine specialization in medical faculty in University of Tartu: similar two-day course as described above

128. All-university elective course “Basics in sexuality education” (3ECTS), topics on dating and sexual violence are cover in 4 academic hours.

3.4. In-service training of professionals

129. Each year the Police and Border Guard Board plans **in-service trainings for police officers** on violence in accordance with national guidelines, the previous year's work results and the need for police officers. Trainings are not mandatory, but for example, promotion will consider whether and what training the police officer has received according to his or her position. The trainings usually last one day and are mostly funded by the police. More information can be found at Annex 1.

Table 2. Overview of training topics by number of police officers trained

Subject	2018	2019	2020	Total number of police officers trained
Child sexual exploitation	54	21	3	78
Dating violence	2			2
Domestic violence	72	11		83
Domestic violence/MARAC/multi-agency cooperation	46	351	43	440
Domestic violence/minority groups	1			1
Domestic violence/minors	31		13	44
Elderly violence			4	4
Mental health / psychology		127	1	128
Minors	4	10		14
Protection victims of crime	32	179	16	227
Restorative justice/violence	1	48	1	50
Sexual violence	38			38
Sexual violence/domestic violence	39			39
Victims of torture			16	16
Violence against women	1			1
Grand Total	321	747	97	1165

Source: Ministry of the Interior

130. The first **roundtable for prosecutors** specialised in domestic violence was organised and financed by Prosecutor's Office in October 2020. 24 prosecutors and 9 representatives from partner organisations (Victim Support, Ministry of Justice, Police and Border Guard Board etc) participated. From now on this roundtable will be organized each year. Participation in roundtable is compulsory for prosecutors prosecuting domestic violence criminal cases. Prosecutors also participate actively in partner's organized trainings and seminars.
131. Trainings for criminal justice system specialists related to protection of the rights and treatment of victims have been carried out supporting the implementation of EU Victim's Directive. Multisectoral trainings for the police, prosecutors, judges and victim support specialist were carried out over the period of 2016-2019.
132. Judges are constantly updating their professional knowledge and skills. The Judicial Training Council is responsible for the training of judges. The training program is approved every year. The Supreme Court Training Department coordinates **training for judges**. For example, the following trainings have been organized:
- **Intimate partner violence.** One-day training, took place twice in 2016 (Tartu and Tallinn). Three topics: introduction to the theory of intimate partner violence (lecturer: Silvia Kaugja, the University of Tartu, Faculty Law), psychological aspects of intimate partner violence (by Andres Sild) and relevant case law and case studies (lecturer: Sten Lind, Tallinn Circuit Court). Participated 38 judges and 69 judicial clerks.
 - **Psychological aspects of intimate partner violence.** One-day training, took place twice in 2017 (Tartu and Tallinn). Psychiatrist-psychotherapist Andres Sild clarified the concept of violence, intimate partner violence, impact on victim's behavior, traumatic involvement and the impact of intimate partner violence on children. Participated 32 judges and 63 judicial clerks.
 - **Violence against women and victims of sexual violence.** One-day training, took place twice in 2018 (Tartu and Tallinn). Three topics: amendments of the Penal Code related to the ratification of Istanbul Convention (lecturer: Anne Kruusement, the Ministry of Justice), amendments of Victim Support Act and a comprehensive overview of trafficking in human beings (lecturer: Kristiina Luht, the Ministry of Social Affairs), and introduction about sexual violence nature and prevalence, the victim's behaviour at the time of sexual violence and in addition, the judges were provided with knowledge about counselling victims of sexual violence (lecturers: Kai Part and Made Laanpere, the University of Tartu, Institute of Clinical medicine). Participated 19 judges and 45 judicial clerks.
 - In addition, Estonian judges have participated in several **foreign training events** related to the application of fundamental rights, human rights and access to justice in the EU and EU gender equality law.
133. **Probation and prison service receive trainings** mostly in the frame of intervention and social programme training. In addition, Ministry of Justice in cooperation with Prosecutor's Office and victim support organized three domestic violence specific seminars for Harju, Pärnu and Viru probation officers in 2020.

Table 3. Trainings in probation and prison service

Time	Name of the training	Number of participants	Participants			
			Men	Women	Re-socialization officers	Prison officers
20.02.17	Reducing domestic and intimate partner violence	14	1	13	14	0
22.-23.03.17	Causes of domestic violence and its understanding	11	1	10	10	1
15.05.17	Reducing domestic and intimate partner violence supervision	8	1	7	8	0

19.-20.10.17	Causes of domestic violence and its understanding and reduction	12	0	12	10	2
8-9.11.17	Causes of domestic violence and its understanding and reduction	14	0	14	10	4
30.-31.01.18	Causes of domestic violence and its understanding and reduction	17	4	13	9	8
5.-7.02.18	„Programme for reducing domestic and intimate partner violence“	11	2	9	9	2
29.-30.05.18	Causes of domestic violence and its understanding and reduction	13	0	13	9	4
17.10.18	Supervision „Programme for reducing domestic and intimate partner violence“	7	2	5	7	0
21.-22.11.18	Causes of domestic violence and its understanding and reduction	10	1	9	7	3
28.-29.11.18	Causes of domestic violence and its understanding and reduction	14	2	12	9	5
6.-7.02.19	Causes of domestic violence and its understanding and reduction	14	1	13	11	3
29.-30.05.19	„Programme for reducing domestic and intimate partner violence“	12	0	12	12	0

134. Special 8-day (90 academic hours) **training on violence against women** is organised by the Social Insurance Board, which must have been completed by **service provider of Women's Support Centre** before providing the service. The programme is developed by the Ministry of Social Affairs in cooperation with experts of violence against women. Around 20 participants each year complete the training. In 2020, due to the spread of Covid19, the training took place online. The content of the special training is described in Annex 2.
135. Women who have been exposed to sexual violence are in need of professional medical, legal and psychological help free from prejudice to help them recover from such traumatic events. Since year 2016 government funded **sexual assault centres** have been founded in Estonia, being the first ones in the former Soviet Union countries and Eastern-Europe. Professionals who are experienced in supporting survivors of sexual violence and hold an in-depth knowledge and expertise of sexual violence is extremely important. In parallel with SAC development, 1-day courses have been offered since 2015 to different target groups of professionals, including topics of myths around sexual violence and violence against women, impact of sexual violence on health, survival and coping responses, standardized SAC model of support and empowerment, etc.
136. **Training through specialists' networks.** A factor positively influencing the implementation of policies to tackle gender-based violence, is the existence of specialised and active networks. In December 2017-March 2018, a pilot project was carried out to improve the protection of victims of domestic violence by an enhanced co-operation and improved everyday practices of law enforcement, social and child protection, women's shelters and other relevant counterparts. The project aimed to test different approaches that ensure victim's security and empowerment, rapid intervention and case management, and effective need-based social and psychological support. For protecting all the victims, perpetrators were removed from the scene and victims were provided with support from National Victim Support system and women's shelters. In order to fulfil the project's goal, coherence of co-operation and rapidness of information exchange were increased.

Based on the results of the pilot project, changes in the organization, resources and legislation regarding law enforcement and social affairs, local government and victim support organizations were agreed by the Government. From 2019 to 2021, the new intervention approach is being gradually introduced via seminars throughout Estonia.

3.5. Programmes for perpetrators of domestic violence

137. In 2020, Estonian Social Insurance board opened **a support line for quitting violence**. The phone line is open on workdays from 10-16 and offers initial counselling. Clients can also contact the service via email and face to face meetings can be agreed. During the first 7 months (June-December 2020) of the support line, 135 perpetrators were provided counselling. <https://sotsiaalkindlustusamet.ee/et/ohvriabi-ennetustoo/tugi-vagivallast-loobumiseks>
138. In 2019-2020, Social Insurance Board had contracts with two NGOs to provide **social programmes for perpetrators**. One programme was a short 2-day training on healthy relationships for first time perpetrators. The other programme was a 2-month programme on gender roles, avoiding violence and learning healthy communication styles. In 2020, 105 perpetrators passed these programmes.
139. From 2021, Social Insurance Board has contracts with 7 organizations to provide individual counselling or social programme. **Three different social programmes are offered** – for fathers program “Caring dads”, for violent men program “Internal solidity” and for violent women a program “Women without violence”. The contracts cover geographically whole of Estonia. NGOs have the obligation to work together with victim support services. The main goal of counselling is victims safety and preventing violence. Each NGO has an obligation to measure outcome of their work and report it to Social Insurance Board once per year.
140. In November 2020, Estonian police together with counsellors from Social Insurance Board are **piloting a service where arrested first-time offenders** (persons detained or interrogated as suspects for the first time in domestic violence) **are offered the chance to talk with a counsellor during their time in arrest**. Counsellors for the victim support non-violence helpline conduct the interviews. The purpose of the interviews is to provide initial counselling to the perpetrator in order to motivate him or her to avoid further violence. The pilot project is done in two major cities – Tallinn and Tartu. During first two months of the project, 28 arrested offenders accepted this possibility. Most of the offenders stayed in longer contact with the counsellor after release from arrest.
141. The prison system uses social programmes approved by the prison department of the Ministry of Justice and carried out by officials who have received corresponding training. The list of programmes may be supplemented by specific programmes carried out by cooperation partners, in which the participation of sentenced persons is coordinated with the Department of Prisons of the Ministry of Justice. Referral to programmes is usually based on a supervision plan or an individual treatment programme, which in turn is based on risk assessment, court decision and a treatment model. In the absence of a risk assessment and/or court decision, the programme is chosen based on the criminal offence committed, information obtained during the interview and previous risk assessments. Social programmes are planned for the offender according to his/her risks and needs, and the programmes are carried out either individually or in groups. Programs are carried out all over Estonia.
142. In Estonian Prison Service (including prisons and probation) are used social programs, which have been created or accredited in Norway, Sweden, Finland, Denmark, Netherlands, United Kingdom or Canada. Most of them are based on cognitive behavioural therapy, which has constantly been rated the most effective by most of the researchers. As the basic theories of the programs and their principles are the same, and irrespective of national borders, no additional impact studies to assess the effectiveness of the social programs have been carried out in Estonia.
143. Perpetrators of domestic violence have received obligation to participate in probation mostly in the following programmes: Programme for Reducing Domestic and Intimate Partner Violence, Lifestyle Training, Strength to chance, Soberer and healthier Estonia, Win (special program for women), Unbeaten Journey, Inner Strength. Prisoners convicted of domestic violence participate in the following programs: Programme for Reducing Domestic and Intimate Partner Violence, Lifestyle Training, Strength to chance, Win (special program for women).

Table 4. Number of participants in programs in prison and probation

	2017	2018	2019	2020
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Program	Probation	Prison	Probation	Prison	Probation	Prison	Probation	Prison
Reducing domestic and intimate partner violence	91	16	105	9	76	15	92	26
Lifestyle training	372	421	300	482	310	376	238	238
Strength to change	15	47	2	34	1	26	1	13
Win	20	29	17	40	14	28	6	19

144. According to the standard of probation⁴⁷ special treatment for perpetrators of domestic violence is used in probation. Its main principles are:

- The **level of treatment intensity** for perpetrators of domestic violence is high.
- Regularity of registration obligation: at least twice per months until the supervision plan is compiled.
- **Home visits** by probation officer at least once per 6 months.
- **Interventions offered:** social programmes, counselling, treatment, psychologist, psychiatrist service.
- **Cooperation network:** participation of perpetrators of domestic violence in MAPPA is compulsory, meetings take place at least once per three months (see also chapter 3.5 for more information).
- **Contacts with victims:** the victim of domestic violence will be informed by probation officer about the beginning of probation, and about the possibility to express an opinion and provide the information if the probationer has been subject to a restraining order, has been convicted of a serious crime against a person or has had contact with a sex offender. If the victim is a family member of the convicted person, the probation officer will contact the victim personally so that the letters do not fall into the hands of the convicted person.
- Inquiry from Punishment Registry: at least once per three months to find out new convictions.

145. To support probation in working with perpetrator of domestic violence, intensive cooperation between organizations and enforcement agencies - **a cooperation model MAPPA** (Multi-Agency Public Protection Arrangements) – is used. The cooperation meetings of MAPPA are carried out by a probation officer. Different organizations are involved in the framework of the cooperation - the prison, probation, police, local government, victim support, psychiatrists. MAPPA aims to increase the security of the society by giving out coordinated information and developing cooperation of different authorities. In January 2021, there were 534 probationers in MAPPA.

3.6. Programmes for sex offenders

146. The general intervention programmes and measures relating to sexual behaviour for persons who fear that they might commit any of the offences referred to in Articles 3 to 7 of the Directive are designed to evaluate and prevent the risk of such offences being committed. Risk assessment and evaluation is an integrated part of carrying out any intervention programmes and treatment. The competence centre for intervention programmes and measures (including treatment) of persons who fear that they might commit any of the above-mentioned offences is Viljandi hospital, which offers counselling for persons with sexual behaviour problems (Seksuaalkäitumise alane nõustamine, SKAN). There are other low threshold services (such as web-counselling on www.seksuaaltervis.ee), which are linked to Viljandi and other experts providing specialized counselling. There is a network of services providers (health and social work specialists, who have been trained over the years on how to evaluate the needs of persons, when to consult with the competence centre and on how to refer to more specific services.

⁴⁷ <https://www.vangla.ee/et/kriminaalhoolduse-standardid-marts-2019>

147. Estonian specialists have been trained to use specific risk assessment tools for sex offenders and there are two main intervention programmes used – “Uus Suund” (“New Way”, originally Finnish “Uusi Suunta”) and “Rockwood” (Canadian).
148. Recently (in 2020), [an analysis](#) has been carried out by the Ministry of Justice, which maps the possibilities of preventing repeated sexual offending against children. It maps also the role and potential of health sector for contributing to prevention of child sexual abuse.
149. Persons who fear that they might commit any of the offences are guided to turn to specialist who have been trained for risk assessment and treatment of persons with problem sexual behaviour.
150. The STOPP counselling hotline is no longer operative, but it was in a way replaced by creating a competence centre at the Viljandi hospital, which offers also web-counselling, phone counselling and counselling on spot. There is also web-counselling available on [seksuaaltervis.ee](#). Questions specific to problem sexual behaviour may be referred to specialists in Viljandi hospital.
151. The web-page [www.seksuaaltervis.ee](#) provides easy-to-access information and advice to anyone with questions concerning sexual health and also sexual behaviour problems. Anyone with questions concerning the sexual behaviour problem can use the platform for Q&A. Seksuaaltervis.ee cooperates with other service providers and psychologists (also with Viljandi Hospital that offers treatment for people with sexual behaviour problems) and the clients can be referred to other services when necessary.
152. In 2016 the Ministry of Justice organised a [Nordic-Baltic Networking conference on “Treatment and Rehabilitation of Sexual Offenders”](#) in Tallinn, Estonia. The [presentations were video-recorded](#) and can be used as a training instrument for professionals from various fields of expertise who come in contact with sexual offenders or persons, who are afraid that their sexual behaviour might cause harm to adults or children.
153. In 2016 the Department of Training for Judges (of the Supreme Court of Estonia) organized a training to judges on treatment and rehabilitation of sexual offenders, covering also the topic of risk assessment of sexual offenders.
154. In September 2019 the Ministry of Justice organized two one-day trainings for specialist from multiple fields of expertise on problem sexual behavior and treatment, rehabilitation and risk assessment of sexual offender. On both of the trainings around 100 specialists participated. On the second day of training there were more specialists from health sector, health care, also mental health specialists. The aim was to increase the knowledge of specialist for more referrals both within health sector and also from law enforcement and social work.
155. In May 2021, there is going to be a one-day training for police investigators and prosecutors of child protection units and sexual violence investigation units on the problem sexual behavior and risk assessment of sexual offenders. The training is organized in cooperation with the Ministry of Justice and the Police and Border Guard Board.

3.7. Private sector, the information and communication technology (ICT) sector and the media, including social media

156. During 2019-2020 the ministry has held a Media and Information Literacy week together with different partners from the state and the private sector to bring spotlight to the necessity of media literacy. Together with partners like Estonian Public Broadcasting and NGO Eesti Meediaettevõtete Liit (transl. Estonian Association of Media Companies) we shed light on the topic. In 2020 a Baltic Media Literacy Summit was organized together with partners in Latvia and Lithuania to bring together experts, teachers, policy advisors etc. The Summit’s topic was “The Dark Side of Media” during which topics like sextortion, intercultural and inter-religious discourses in media, data privacy and protection, radicalisation and extremism amongst others were discussed.
157. The Domestic Violence steering group (mentioned before) made a cross-sectoral strategic communication plan for domestic violence. The communication monitoring is done by Ministry of the Interior every quarter. The special group focusing on the communication, working under the steering group, is gathering two times per year.
158. Privacy settings and terms of usage of the apps and web platforms have preventive effect saying that if you upload illegal content, also share it, making it available for use of others, then they might end your contract. Electronic Communications Act doesn’t define at the moment in which cases in

the contracts of the service provision there should be restrictions made (<https://www.riigiteataja.ee/en/eli/528052020005/consolide>, § 96 p 1).

159. Restrictions are made in the article of 24 of the Advertising Act⁴⁸: advertising of works which contain pornography or promote violence or cruelty is prohibited; and article 19 of the Media Services Act⁴⁹ to protect minors, morality and assurance of legality.
160. There is *Vihjeliin* (www.vihjeliin.ee) which is a free online service of the Estonian Union for Child Welfare which enables Internet users to provide information about material being distributed online which depicts illegal content – the sexual abuse or exploitation of minors and child trafficking. Information is submitted anonymously; your personal details are not investigated or recorded. This hotline belongs to the network of Inhope, also goes under directive of 2011/93 art 24, 25.
161. There is example about cooperation agreement between telecommunication companies AS EMT, Tele 2 Eesti AS, Elisa Eesti AS, who signed on 30.06.2010 about the safer usage of the mobile phones and services by youngsters and also the willingness to cooperate with law enforcement agencies in fight against illegal content.
162. Domestic violence topic has attained the interests by hackathons. For example, solution for evidence gathering won the digital state hackathon in 2019. Another domestic violence related problem was chosen to be solved by the innovation team in 2021.
163. There is active partnership with media carrying out awareness raising activities. Please see also information about campaigns in chapter 3. For example:
- Police and Border Guard Board is an active partner for the media publications, and the topics offered by the police are mostly covered, including both national and local media and social media. The media also very often inquiries about general violence, but there is a great deal of interest in domestic violence issues.
 - In cooperation with Police and Border Guard Board, the Social Insurance Board and Estonian Energy, a campaign against intimate partner violence was launched in 2020. Estonian Energy supports the campaign by involving its employees as brand ambassadors to bring the message to people. The campaign slogan is "I'm a man, I don't hit".
 - In 2020, the Victim Support Estonia, Estonian National Social Insurance Board launched two outdoor and social media campaigns across Estonia in order to prevent domestic and gender-based violence. The campaigns were launched in cooperation with advertising agency HAVAS Estonia.⁵⁰
164. In 2020, the Victim Support Estonia, Estonian National Social Insurance Board launched two outdoor and social media campaigns across Estonia in order to prevent domestic and gender-based violence. The campaigns were launched in cooperation with advertising agency HAVAS Estonia.
- In May 2020 during the emergency situation of the COVID-19, the aim of the [campaign was to invite bystanders](#), the loved ones, colleagues and neighbours to be attentive and intervene for supporting the victims of domestic and gender-based violence.
 - In November 2020, the Victim Support Estonia and HAVAS Estonia launched an outdoor and social media information [campaign "What kind of male-character do you want to be?"](#), aimed at inviting men to pay attention to their behaviour and how their behaviour affects their loved ones. On the one hand, the message of the campaign is that everyone always has an opportunity and power to decide how to behave. The campaign introduces one support option which is a non-violence helpline opened in May 2020 and operated by the Social Insurance Board. Through the helpline, a case-based advice and support to people who are worried about their aggressive behaviour is provided with an aim to find a suitable way towards non-violent future.

⁴⁸ <https://www.riigiteataja.ee/en/eli/521122020005/consolide>

⁴⁹ <https://www.riigiteataja.ee/en/eli/511012019003/consolide>

⁵⁰

https://www.adsoftheworld.com/media/integrated/victim_support_estonia_estonian_national_social_insurance_board_dont_be_silent.

3.8. Self-regulatory standards

165. The Public Speech Council is an independent analysis centre that discusses complaints about public service media and draws attention to media ethical issues itself. The Public Speech Council consists of representatives from various civic associations, including the Union of Journalists and the Association of Media Educators. From 1991 to 2001, the Public Speech Council operated primarily as a self-regulatory body for the press. Even today, ASN has the relevant know-how and procedures to provide the opportunity for self-regulation to media organizations that wish to do so.

3.9. Measures to encourage protocols and guidelines

166. *The Ethics in Estonia portal* (<https://www.eetika.ee/en>) is platform where information about the values development and materials and information about related projects carried out in Estonia is provided.

167. **The Commissioner for Equal Opportunities** is an independent and impartial official who advises and assists anyone who feels they have been discriminated against. If somebody suspects that he/she has been discriminated against on the basis of gender, age, nationality, skin colour, religion, beliefs, disability, sexual orientation, parenting, family responsibilities, or trade union membership, they are welcome to share their concerns. The Commissioner monitors compliance with the requirements of the Gender Equality Act and the Equal Treatment Act, as well as supervises both the public and private sector. See more information at <https://volinik.ee/en/about-us/>

168. Recently was established **Equality Competence Center** as an advisory and training unit whose task is to raise the awareness about the principles of gender equality and equal treatment, and to encourage and support the integration of these principles into the design and implementation of measures. <https://kompetentsikeskus.sm.ee/>

169. Study that **addressed gender-based and sexual harassment in higher education** (please see also chapter 2.6) basing on international comparisons made for example following suggestions how universities should move forward:

- should acknowledge the full, real importance of the problem at their institutional management level;
- should implement policies to change organizational cultures in addition to working out strict sanctions;
- should take a stand regarding intimate inter-university relationships that involve staff;
- should pay particular attention to problems among foreign students (integration etc.);
- should remove barriers that prevent students from sharing their harassment experience;
- should monitor the safety of student housing.

3.10. Other measures to prevent violence against women

170. In 2016, the Ministry of Justice arranged a **seminar to introduce the topic of prevention of female genital mutilation** to criminal justice system and social system practitioners. At the seminar, midwife Batulo Essak from Somalia, who has lived and worked in Finland for the last 25 years and is active in the NGO African Care, shared her experiences in prevention of FGM in Finland. Also, the information material about FGM was translated into Estonian language: <https://www.kriminaalpoliitika.ee/et/5022016-fgm-seminari-materjalnaiste-suguelundite-moonutamine>.

171. In December 2020, Social Insurance Board with the support of European Migration and Integration Fund organized a two-day seminar about how to support and work with people who are at risk of honor crimes, FGM, forced marriages, etc.

172. In 2021, the Police and Border Guard Board plans to test the alert button service for victims of domestic violence, the aim of which is to ensure the person's help and safety as quickly as possible in a situation where he or she has been a victim of physical or sexual violence. The service alleviates the fear of a person who has suffered violence, prevents the recurrence of violence and its severe consequences, and contributes to a person's normal inclusion in society, including the labour market.

IV. Protection and support

4.1. Support services and legal measures

173. The police are obliged to inform all persons involved in the case of domestic violence in plain and intelligible language about the activities of the police, explaining the rights and obligations according to the type of procedure and providing information on the possibilities of receiving assistance (including initial counselling of the perpetrator).
174. The police officer dealing with a domestic violence case is required to inform victims and dependents of the content of the Victim Support Act in order to receive a victim support service or compensation, including the right and possibilities to turn to a victim support worker for counselling, victim support service or compensation. Information about victim support services is provided during investigation, trial, and in different other spots such as family doctors practices, hospitals, local government offices, etc.
175. In domestic violence cases, victims are offered the opportunity to call the victim support crisis helpline (24/7) at the scene. In addition, the police introduce victim support services and provide victim support information material and contacts. Victim of domestic violence will be asked for the consent to send his or her contact data to the victim support worker. Sometimes, home visits are done together by the police and the victim support workers or other relevant persons.
176. In case of domestic violence, the information collected on the spot is used for assessment of special protection as well as victim assistance needs. The police collect information about victims and perpetrators of domestic violence using "Information sheet for domestic violence".
177. Furthermore, a data and information exchange solution (database development) between police and local governments social services database was launched in April 2020, which helps to exchange information quickly without duplicating activities. Information about people in need and at risk, including all children related to the domestic violence, automatically reaches the local government and victims of domestic violence with their consent to the victim support of the Social Insurance Board.
178. Social Insurance Board has information on their homepage www.sotsiaalkindlustusamet.ee in Estonian, Russian and English. The web page has information on all services. In addition, Victim Support department has a separate homepage www.palunabi.ee which provides information on types of violence, healing from trauma, different services available and encouraging texts to seek for help for yourself or people you know. The website also as a 24/7 open chat where a counsellor is available to provide help in Estonian, Russian and English. There are printed materials distributed all over Estonia about ways to get help both for victims and perpetrators. For all domestic violence calls police gives information about victim support services and takes the agreement from the victim for their data to be transferred to victim support worker. If the victim gives their agreement then the victim support worker reaches out to the victim themselves. If the victim doesn't give agreement for their data to be transferred for the victim support worker on the first interaction with the police then in every following interaction (eg interview with police investigator) the information on victim support services is given again and asked about if the victim would like their data to be transferred to the victims support worker.
179. The support material for victims in criminal proceedings are composed. An information sheet for all victims of crime on their rights and practical guidance on gaining support over the course or separate of the criminal proceeding. The information sheets for victims are available in six languages. <https://www.just.ee/et/kuriteoohvri-infoleht>

4.2. General support services

180. Support for all the victims of violence and crime is provided by the Social Insurance Board, rules and regulations for which are set in the Victim Support Act. Crime victims can receive help from the specialists of the Victim Support Department of the National Social Insurance Board. The service is free of charge. Also, a free national victim support Hotline that is available 24/7 (116 006) has been established, as well as online chat at www.palunabi.ee (counselling is available in Estonian, English and Russian). Help is provided even if the perpetrator of physical, mental, or sexual violence is unknown. Victim support service provides emotional support, shares information about the options of getting help, and guides victims in communication with other authorities. It is also possible for the victim to remain anonymous upon approaching victim support Centres,

however applying for compensations and services requires submitting personal data. Victim support centres ensure the confidentiality of victims.

181. Estonia is implementing a multi-sectoral approach for supporting victims of domestic and gender-based violence, with National Victim Support as the central point of coordination for the work and network activities all around Estonia. The Victim Support Act was approved by the Parliament on October 19th 2016. Starting from January 1, 2017, women's support service is stated as official service, thus laying down the new service regulations, standards and financing for tackling gender-based violence and human trafficking issues in Estonia. Starting from 2019, the Victim Support Act is undergoing a renewal process. In 2020, initial draft law was sent for consultation and opinions to all relevant ministries, NGOs and other relevant parties, and discussions on the structure and content of the new law have taken place throughout the year. The draft is expected to be finalised in 2021. The new law will cover more comprehensively all the services and compensations provided by the national victim support via the Social Insurance Board.
182. **The victim support services include:** counselling of victims, assisting victims in communicating with state and local government authorities and legal persons, ensuring safe accommodation, ensuring catering, providing necessary material assistance, providing necessary psychological assistance, enabling necessary translation and interpretation services, providing other services necessary for physical and psycho-social rehabilitation of victims. Victim support service is a public service provided all around Estonia, aiming at maintaining or enhancing the ability to cope of persons who have fallen victim to criminal offence, negligence or mistreatment or physical, mental or sexual abuse.
183. National Victim Support also provides **psychological support** for victims of violence. A victim of an offence has the right to receive compensation for the cost of psychological care in an amount equal to up to one minimum monthly wage.
184. A **state compensation** scheme has also been set, according to which the victims of crimes are paid state benefits if the crime resulted in a severe bodily injury or a health problem that persisted for at least four months. Compensation is also paid if the victim was killed as a consequence of the crime. The benefits are paid by the Social Insurance Board.
185. **Women's support centre service** is a compound service funded from the state budget since 2014. Women's support centre service consist of: provision of safe temporary accommodation, if necessary, to the victim and her children, crisis counselling of the victim and her children, case based counselling of the victim, including sharing of information concerning opportunities to get help outside the support centre, if necessary, psychological counselling or psychotherapy of the victim, if necessary, legal counselling of the victim, assessment of the need for help of the children accompanying the victim and their initial counselling. Services are free for all women victims and their children.
186. According to the Social Welfare Act, the local government has a number of obligations towards people who have run into problems on the territory of the local government. Providing **immediate shelter, food, clothing and filling other primary needs is the responsibility of the local government.**
187. Health services for victims of sexual violence: by the inner hospital protocols women are referred to psychological and juridical help from SACs when needed. Also, they are referred to victim support services.
188. Health services for all the female victims of violence: under the EEA and Norwegian Financial Mechanisms 2014 – 2021 Programme Area Domestic and Gender-based Violence a project started in 2020, including training of medical workers and providing guidelines for them on how to identify domestic or gender-based violence and early noticing and intervention.

4.3. Information about collective complaints mechanisms (including legal advice) offered at regional or international level

189. General reporting system applies for victims of domestic violence, the different examples of complaint formulas are available on the website of Prosecutors' Office. It is recalled that it is first of all the obligation of national authorities to review, and if need be to redress, the allegations of violation of human rights violations.

190. Institution of the Gender Equality and Equal Treatment Commissioner has been established to help people protect their rights and prevent discrimination and which monitors compliance with the Equal Treatment Act and the Gender Equality Act both in public and private sector. If a person suspects that he or she have been discriminated against or treated unequally on the grounds of sex, nationality, colour, religion or belief, age, disability, sexual orientation or any other circumstances that cannot be changed, he or she will receive advice and assistance from the Commissioner for Equal Opportunities and her office. The Commissioner will also explain where to turn to defend his or her rights. Within the limits of his or her competence and possibilities, the Commissioner can also advise and assist people in submitting applications and actions to the labour dispute committee and give opinions on the occurrence of possible discrimination. More information about the Commissioner for Equal Opportunities work can be found here: <https://volinik.ee/en/>
191. Everyone has the right to turn to the Chancellor of Justice, who ensures that authorities and officials performing public duties would not violate people's constitutional rights and freedoms, laws and other legislations of general application, and the practice of good administration. The Chancellor of Justice performs also the functions of the Ombudsman for Children. More information about the Chancellor of Justice work can be found here: <https://www.oiguskantsler.ee/en>
192. In addition to national remedies, relevant international and regional systems may be addressed depending on the substance of the complaint. At the UN level, there are system of Special Procedures and its mandate holders who may be addressed, in addition, different UN treaty bodies accept individual communications. Information about HR and their protection at national as well as at international level, is available at different ministries and other relevant authorities` websites, for instance [Website of Estonian Ministry of Foreign Affairs](#) contains detailed information explaining the procedure before the Court and how to lodge an application.

4.4. Specialist women's support services⁵¹ for all women victims and their children

Women's shelters

193. **Women`s support centre service** is a compound service funded from the state budget since 2014. Women`s support centre service consist of: provision of safe temporary accommodation, if necessary, to the victim and her children, crisis counselling of the victim and her children, case based counselling of the victim, including sharing of information concerning opportunities to get help outside the support centre, if necessary, psychological counselling or psychotherapy of the victim, if necessary, legal counselling of the victim, assessment of the need for help of the children accompanying the victim and their initial counselling.
194. The description of women support service and conditions for service provision are regulated by Victim Support Act. There is an official Service Standard of Women's Support Centre Service, renewed when needed, and covering topics such as the basis for service provision, principles for service provision, training and educational requirements for service providers, and regarding each service, its meaning and purposes, and ways of service provision. Available only in Estonian [here](#).
195. Social Insurance Board has long term contracts with women support centres (NGOs) in all over Estonia. There are contracts with women support centres in every Estonian county. In 14 county there is one women support center per county and in the biggest county there are 2 service provides. Additionally, there are also some women support services that are supported by the local governments and are project-based. There is ca 60 women support centre staff all over Estonia.
196. Women support centres are all accessible 24/7 and available for women and their children. All the services offered by women support centres are free of charge.
197. Number of people received help from women support centres.
Year 2020: 2153, accommodation 135

⁵¹ Specialist support services refer to dedicated services for victims of the different forms of violence against women made up of "specialised and experienced staff with in-depth knowledge of gender-based violence", including among others counselling centres, shelters, rape crisis centres and sexual violence referral centres.

Year 2019: 2177, accommodation 155

Year 2018: 1950, accommodation 150

198. Women Support Centres funding comes from the state budget. In 2018, the state support to women support centres was 786 000 and in 2019 1 050 000 euros.

199. Women support centres are part of the state victim support service system, so very important and active cooperation and network partner together with sexual assault centres, victim support workers, victim support helpline etc.

Services for victims of sexual violence

200. Since November 2016, **services for victims of sexual violence (sexual assault centres)** are run and co-funded together by Social Insurance Board and hospitals (health insurance fund). SACs co-operate with police in terms of evidence kit collection and standardized victim protocol that is being handed over to the police when officially requested.

201. There are four Sexual Assault Centres (SAC) in northern, southern, eastern and western areas of Estonia: 1) West Tallinn Central Hospital Women's Clinic, www.synnitusmaja.ee; 2) East Viru Central Hospital, www.ivkh.ee; 3) Pärnu Hospital, www.ph.ee; 4) Tartu University Hospital, www.kliinikum.ee.

202. SACs offer services for survivors 7 days after the assault. In addition to women, SAC serve also men and children, regardless of age. Survivors can come alone or with a companion (no referral is needed), or by police referral. SACs are open 24 hours a day. Contacting the police is not a precondition for receiving assistance.

203. Social Insurance Board covers the expenses of part-time sexual violence experts for SAC service overall (2 persons, including one from University of Tartu); part-time quality of care co-ordinator in two bigger SACs (2 persons), part-time administrative coordinators in SACs (4 persons) and additional pay for the medical staff on call 24/7. Hospitals (health insurance fund) pay for the remaining staff expenses, rooms and equipment, medical tests (STDs etc) and investigations. Ministry of Justice is paying for the yearly production of evidence collection kits.

204. SACs services are based on standardized care guidelines and protocols that are accepted by Estonian Gynaecologists' Society and Estonian Forensic Doctors' society, available: <https://www.ens.ee/ravijuhendid/gynekoloogia/seksuaalvaegivalla-ohvri-abistamine>

205. Number of people received help from SACs:

Year 2021 (20.03.2021) 31 persons have received help from Estonian SACs.

Year 2020 – 128 persons got help from Estonian SACs.

Year 2019 – 133 persons got help from Estonian SACs

Year 2018 – 92 persons got help from Estonian SACs.

Year 2017 – 48 persons got help from Estonian SACs.

Year 2016 - 41 persons got help from Estonian SACs

During 2016-2020 there were altogether 430 persons in SAC, mostly women, but also 9 men.

206. All examinations and treatment at SACs are free of charge and centres operate 24 hours a day. At the request and consent of the individual seeking help, sexual assault centres offer the following:

- Psychological support and preliminary counselling;
- Medical examination for injuries and collection of forensic evidence;
- Help in preventing pregnancy (free of charge emergency contraception);
- Testing for sexually transmitted diseases;
- Free of charge post-exposure prophylactic HIV treatment (HIV-PEP) if needed;
- Follow-up care and psychological counselling or referring to psychological or juridical help;
- Support in contacting the police.

207. If someone has experienced sexual violence in the past (more than 7 days ago) there may also be a need for psychological support, medical follow-up and juridical counselling. In these cases, SAC suggest to contact a victim support worker to receive information about further help and advice. Also, SAC offer psychological counselling financed by the state to those who can't turn to counselling by themselves due to financial issues. Support groups (free of charge) are offered for victims of sexual abuse.
208. Since 2017 there are child's advocacy centres in Estonia for all child victims of sexual abuse. The first children's house was opened in Tallinn on 2 January 2017 and as of 2018 the service is available to all children who are in need of assistance across Estonia. The Barnahus (Children's House) model is a child-friendly and multi-disciplinary service that is provided in order to help sexually abused children or children suspected of being sexually abused. Children's houses are located in Tallinn, Tartu and Jõhvi. In 2020 an analysis according to the government's action plan has been carried out for further developing and improvement of services provided to the children who have been sexually abused.

4.5. Telephone helplines

209. Estonia has since January 1st of 2019 state-wide victim support crisis helpline 116 006, plus chat via www.palunabi.ee website. It is free of charge. It operates 24/7, both hotline and chat. Telephone helpline is financed by state and run by Social Insurance Board.
210. Those specialists responding to calls have been trained on all forms of violence against women and since most of them have previously worked as victim support specialists, they have long-time practical experience in supporting victims of violence against women.
211. The annual number of calls made to seek help for women victims in 2019 was 4617 (around 80% are women) and in 2020 – 4657 (around 80% are women). Callers can stay anonymous if they wish so, there is no obligation to identify yourself

4.6. Child protection aspects of services for women

212. According to the domestic violence response procedure established by the Police and Border Guard Board, regardless of whether the children were direct victims, witnessed the incident or stayed away (including both in another room and away from the scene), they are children in need of assistance or in danger. In cases related to children, the local child protection worker or the child protection department of the Social Insurance Board police immediately notifies of the child in danger or in need of help by calling the 24-hour security telephone number 116111.
213. According to the Child Protection Act, a child whose well-being is threatened is considered a child in need of assistance and the local municipality has the obligation to immediately assess such child's need for assistance and to provide measures for assisting the child. They must do so immediately upon receiving information about a child in need. Thus, in all cases where the local municipality provides services to victims of violence, the local child protection officers should consider the victim's children's needs and offer them necessary assistance and services. Also, specialist women's support services address the needs on child witnesses. The women's support centre service provides safe environment and counselling and, if necessary, temporary accommodation also for the children accompanying the woman who has fallen victim to violence. At the women's support centre the child's situation and needs are initially assessed, the children receive crisis counselling and their mothers are counselled and empowered to be able to support the children. After initial assessment and counselling, the women's support centres usually cooperate with the local municipality in order to provide necessary assistance and further services (e.g. psychological counselling or psychotherapy) to the child witness of violence. Sometimes counselling or therapy is provided at the support centre and funded by the local municipality, operating grants or charity organisations.
214. There is ongoing discussion about how to provide better and faster support to children that have witnessed grave or systematic domestic violence. The Ministry of Social Affairs has proposed in a recent (2020) analysis that Estonian children's houses, based on the Barnahus model and currently helping sexually abused children, could in the future also provide support to other child victims and witnesses of domestic violence who need immediate crisis counselling and integrated services to cope with the trauma caused by exposure to violence.
215. All children have access to the 24/7 free-of-charge child helpline 116 111, where they can receive specialist counselling and instructions for seeking further help. If the child needs help or in danger,

the child helpline will immediately notify the child's municipality of residence in order to assess the child's needs and take necessary measures.

216. Child witnesses as a special target group, are considered also in trainings provided for child protection specialists. Ministry of Social Affairs and its suborganisation Health Development Institute provide several training programmes for child protection specialists and workers of substitute homes.

Other measures to provide protection and support to victims of violence against women

217. According to the Child Protection Act, all persons having knowledge of a child in need of assistance are required to notify of the child in need of assistance. The child must be notified to the local government or to child helpline service 116 111. If the child's life or health is in danger, the child shall be immediately notified to the emergency call number 112.

218. In 2015, the Estonian Ombudsman for Children in cooperation with the Data Protection Inspectorate drafted a manual "Informing about a child in need of help and data protection", which was recently renewed in 2020. The manual encourages specialists working with children, but also wider public, to inform about every abuse case involving a child and of such suspicions. The aim is to secure assistance to all children experiencing violence, abuse or other situation violating their rights.

219. The Ministry of Social Affairs together with other relevant ministries, their suborganisations and NGOs drafting the new Victim Support Act providing clear guidelines on how to treat victims, how do share data between organisations and how to ensure cooperation between relevant State organisations. The Act will provide requirements for all the victim support services and their providers, including relevant educational background and additional trainings. The compensation scheme will be made more victim-friendly and the sums of compensation will be made higher. The new law will include guidelines for proper treatment of victims, prevention of re-victimisation and training of specialists who may become into contact with victims of violence.

220. In 2019, the Ministry of Justice has developed a tool to enable victims of crime give feedback related to criminal proceeding. <https://kannatanute-tagasiside.just.ee/en>

221. Estonia has been a long-standing supporter of the International Criminal Court. ICC plays an important role in delivering justice to victims of atrocity crimes and providing them assistance and awarding reparations. Estonia highly values and appreciates the work done by the Trust Fund for Victims of ICC in offering reparations for victims, their families and communities. Estonia has regularly contributed to the Trust Fund for Victims during recent years and intend to continue the support to the Fund. Estonia has in March 2021 nominated a candidate for election as a member of the Board of Directors of the Trust Fund for Victims.

V. Substantive law

5.1. Legal framework

222. Legislation relevant to the provisions of the Istanbul Convention is provided in the Constitution and other legislation.
223. The Constitution of Estonia contains provisions on equality, prohibition of discrimination, prohibitions of torture or to cruel or degrading treatment, the right to the protection of the state and by law, the right of recourse to courts if rights and freedoms are violated, the right to liberty and security of person, the right to the protection of health etc. According to the paragraph 14, it is the duty of the legislature, the executive, the judiciary, and of local authorities, to guarantee the rights and freedoms provided in the Constitution.
224. Obligations of the Istanbul Convention are mostly fulfilled through Penal Code, which covers different forms of violence, Code of Criminal Procedure and Victim Support Act, which are two main legislative acts describing the rights of victims, Gender Equality Act, that prohibits sexual harassment and gender-based harassment, but also Code of Civil Procedure, State-funded Legal Aid Act, the Family Law Act, Social Welfare Act, Child Protection Act, and some other legislation that contains relevant provisions regarding the Convention.
225. Before the ratification of the Convention, the relevant national legislative framework was examined. For example, Penal Code, Aliens Act, Victim Support Act, Code of Criminal Procedure were amended. Estonia made no reservation in connection of ratification of Convention.
226. Violence is punishable in Estonia irrespective of where it occurs or who the perpetrator is. Estonia condemns any kind of gender-based violence which results, or is likely to result, in the occurrence of physical, sexual or psychological harm or suffering. Although Estonian legal framework does not have a specific provision of violence against women, numerous forms of violence are criminalized and covered by different paragraphs of the Penal Code (including violence categories that most affect women). The wordings of provisions are generally gender neutral. Provisions and measures laid down not only in criminal, but also in administrative and civil legislation are applicable in cases of violence against women.
227. Committing an offence against a person who is in a service or financially dependent relationship with the offender, and against a former or current family member of the offender, against a person who lives with the offender or a person who is otherwise in a family relationship with the offender has been regarded as an aggravating circumstance since 2015.
228. In 2015, the elements of physical abuse were specified in the Penal Code targeting to domestic violence cases and stricter punishment was stipulated for abuse in a close relationship or relationship of subordination – imprisonment of up to five years (Article 121, sub-section 2, clause 2 of the Penal Code).
229. In 2016, law amendments in the code of Criminal Procedure entered into force clarifying victims' position and rights in the criminal proceedings. These changes ensured the compliance of the criminal procedure with the Victims' Rights Directive (directive 2012/29/EC).
230. In 2017, amendments to [the Victim Support Act](#) entered force regarding defining victims of violence against women and describing the women's support centre service and measures available for victims of violence against women.
231. In 2017, amendments in Penal Code entered into force, criminalising of new acts of violence related to ratification of the Convention.
232. Extracts of the relevant legal texts are provided in Annex 3. The English translations of all more important legislation can be found also in *Riigi Teataja*, <https://www.riigiteataja.ee/en/>.

5.2. Guidance on the implementation of the framework

233. In 2019, the State Prosecutor's Office issued "[Best practice in the treatment of the victim](#)" to gather together main principles to consider in treating victims in criminal proceedings.
234. In 2020, the Police and Border Guard Board updated the Guide to Responding to Domestic Violence, which set out the principles for responding to and resolving cases of domestic violence

at the Police and Border Guard Board. The aim of the guide is to adjust the practice of resolving cases of domestic violence in the police in order to ensure better protection and assistance to victims and to prevent recurrent and serious incidents. The guide establishes the general principles of responding to domestic violence, activities required at the scene (including patrol officers), storage of information (including protocol, databases), risk assessment and risk management (including risk assessment tool), cooperation with other institutions and organizations (including transmission of information), principles of criminal proceedings etc. One of the main changes implemented in the police in 2020 is the task of police officers to conduct the risk assessment in the domestic violence cases from the first contact with the police. The principles of collecting and storing information, as well as case monitoring (eg the obligation to analyse domestic violence homicides) were also regulated in more detail.

235. In 2019, **new position of Public Prosecutor** was established in the Prosecutor's Office, whose main task is **to better protect victims and to harmonize procedural practices** and principles for **domestic violence case**.
236. In October 2020, **the first roundtable of prosecutors specializing in intimate partner violence** was held. As a result, **common procedural agreements of prosecutors**⁵² were set for working with intimate partner violence cases in criminal proceedings. Agreement establishes main principles related to prosecution of intimate partner violence, ensuring protection and support for victim, referral perpetrator to non-violence helpline, application of restraining order, imposing sanctions, cooperation with other partners etc.
237. In 2019, prison service renewed **probation standards**⁵³ that address also probation officers work with perpetrators of domestic violence. Please see also section 3.5.
238. There is **a separate manual for Multi Agency Risk Assessment Conference (MARAC)**. The risk assessment questionnaires are available in Estonian and Russian. In addition, videos about MARAC are available. **MARAC cooperation seminars and trainings with supportive guidelines** were organised in 2020 with an emphasis on the exchange of knowledge and experience of best practices in working with victims of gender-based violence. Extra focus has been put on high-risk cases.
239. In 2020, also development of a new **training material for local government specialists**, both child protection workers and social workers started. It will include both written material and short video clips in order to reach as wide audience as possible. Closer cooperation with local governments regarding tackling domestic violence is foreseen for 2021.

5.3. Civil remedies

240. Victims of violence can take measures pursuant to the applicable civil law. According to the Code of Civil Procedure (article 544), a person can apply for application of restraining order and other measures for protection of private life of a person or other personality rights.
241. The primary obligation to compensate damage caused by an offence lies with the perpetrator. During Criminal proceedings a victim has the right to file a civil action or proof of claim in public law through an investigative body or the Prosecutor's Office. The victim shall have the right to file a civil action against the suspect, accused or defendant, which the court shall consider as part of the criminal proceedings. This is more convenient for victim as in this case there is no need to pay a state fee and the civil action is settled together with the criminal case. The victim will be compensated on the basis of a court decision.
242. Any time the victim has the right to file an action pursuant to civil procedure. Dismissal of a civil action or proof of claim in public law does not exclude filing of the same claim under civil procedure or administrative court procedure or collection of the obligation which was the basis for the proof of claim in public law under administrative procedure, which the Prosecutor's Office explains in its order.
243. Special right is to demand compensation for damage according to the Compensation for Damage Caused in Offence Proceedings Act.

⁵²

<https://aastaraamat.prokuratuur.ee/sites/default/files/autorid/LSV%20%C3%BChitse%20menetuspraktika%20kokkulepped.pdf>

⁵³ https://www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/krh_standardid_muudetud_marts_2019.pdf

5.4. Compensation

244. A state compensation scheme has been set, according to which the victims of crimes are paid state benefits if the crime resulted in an severe bodily injury or a health problem that persisted for at least four months. Compensation is also paid if the victim was killed as a consequence of the crime. The benefits are paid by the Social Insurance Board, and the whole compensation scheme is stated in the Victim Support Act, Chapter 3, see <https://www.riigiteataja.ee/en/eli/513052020004/consolide>.
245. We are not able to answer questions regarding indication of the time given to perpetrators to pay compensation or an indication of the timescale for granting such compensation. Also, at the moment there is no data regarding deceased victims, though their children have received compensation for the funeral and also for the loss of income. The explanation is that this compensation goes to children or other dependants, and it is their personal ID visible via data registry system, not the one that belonged to the victims.
246. The number of women victims receiving state compensation is rather low. Around 3 women each year receive the compensation for the first time. If all the data/documentation needed for decision is there, it will take around 1 month to make the decision.

Table 5. Data about compensation

	2018	2019	2020
Number of women victims who got state compensation	9	13	12
Amount compensation paid (EUR)	9 493	24 319	24 807

Source: Social Insurance Board

Table 6. The number of applications

New applications	2018	2019	2020
Approved	25	33	39
Denied	2	8	3

Source: Social Insurance Board

5.5. Custody and visitation rights of children

247. Ministry of Justice drafted amendments of the family law act, stipulating that violence in a close relationship (including children witnessing such violence) shall be considered by the court when deciding over family law issues. Special attention shall be paid on deciding how the contact with children needs to be organised after the end of the relationship between parents where violence has occurred, in order to avoid further violence, threat and/or fear for the victim. This legislative draft has been introduced to the public, but it has not yet reached the government.
248. According to the code of civil procedure, the court has to consider whether one parent has been violent against the child or other parent in following situations: 1) deciding upon preliminary measures of a case (§ 551 (3)), 2) hearing the opinion of the child (§ 552.1), 3) hearing the parents of the child in cases of custody rights (§ 558) and 4) promoting the mutual agreements of parents (§ 561).
249. Since 2014, Estonian Union of Child Welfare in cooperation with Estonian Bar Association and other partners organise each year free legal seminars “On the same side – child side” focusing on improving court disputes between parents concerning the right of custody for child protection specialists.

5.6. Criminalisation of certain forms of violence

Psychological violence, as defined in Article 33.

250. According to the article 120 of the Penal Code is criminalised a threat to kill, cause health damage or cause significant damage to or destroy property, if there is reason to fear the realisation of such threat.

251. According to the article of 121 of the Penal Code, causing damage to the health (physical and psychological) of another person and according to the article 118 of the Penal Code, causing serious health damage is criminalised.

Stalking, as defined in Article 34

252. According to the article 157.3 of the Penal Code, harassing pursuit is criminalised.

Physical violence, as defined in Article 35

253. According to the article 121 of the Penal Code, causing damage to the health (physical and psychological) of another person is criminalised.

Sexual violence, including rape, as defined in Article 36, having due regard to the definition of consent under Article 36, paragraph 2

254. According to the article of 141, rape, and article 141.1, act of sexual nature against will, of the Penal Code, is criminalised. Law criminalises acts of sexual violence in the same way regardless it was committed against former or current spouses or partners.

255. According to the Penal Code § 145, engagement in sexual intercourse or commission of another act of sexual nature by an adult person with a person of less than 14 years of age is punishable.

Forced marriage, as defined in Article 37

256. According to the article 133 and article 174 of the Penal Code, in which a person is placed for the purpose of gaining economic benefits or without it, in a situation where he or she is forced to marry is punishable.

Female genital mutilation as defined in Article 38

257. According to the article 118.1 of the Penal Code, disabling female genital mutilation is criminalised.

Forced abortion, as defined in Article 39a

258. According to the article 125 of the Penal Code, termination of pregnancy against will is criminalised.

259. Forced sterilisation, as defined in Article 39b.

260. According to the article 118 of the Penal Code, causing health damage which results in loss or cessation of functioning of an organ is criminalised.

5.7. Legislation against sexual harassment, as defined in Article 40.

261. The most severe ways of sexual harassment are provided punishable as criminal offence according to the Penal Code. According to the article 153.1 of the Penal Code sexual harassment - an intentional physical act of sexual nature against the will of another person committed against him or her with degrading objectives or consequences - is punishable.

262. According to the Gender Equality Act gender-based harassment and sexual harassment it is prohibited.

5.8. Aiding or abetting

263. According to the article 22 of the Penal Code, accomplices are abettors and aiders; a punishment shall be imposed on an accomplice pursuant to the same provision of law which prescribes the liability of the principal offender.

5.9. Attempts (Article 41, paragraph 2)

264. According to the article 25 of the Penal Code, an attempt is an intentional act the purpose of which is to commit an offence; in the case of an attempt, the court may mitigate the punishment.

5.10. Unacceptable justifications for crimes

265. According to the article 193 of the Code of Criminal Procedure, the investigative body or the Prosecutor's Office commences criminal proceedings by the first investigative activity or other procedural act if a reason and grounds for commencement are present and if the circumstances provided in subsection 1 of section 199 of this Code are absent (please see annex 2).

266. Article 207 of the Code of Criminal Procedure adds that a victim may file an appeal with the Prosecutor's Office on the bases provided for in subsection 199 (1) or (2) of this Code against refusal to commence criminal proceedings.

5.11. Application of criminal offences in relationship of the perpetrator to the victim

267. In Estonia, no exceptions to criminal liability are made on grounds of a relationship between the victim and the perpetrator of violence.

5.12. Sanctions

268. Sanction of criminal offence can be pecuniary punishment or imprisonment.

Table 7. Applicable sanctions

Act of violence	The type and amount of the penalty	Penalty in more serious cases
Psychological violence	punishable by a pecuniary punishment or up to one year's imprisonment	punishable by four to twelve years' imprisonment
Stalking	punishable by a pecuniary punishment or up to one year's imprisonment	
Physical violence	punishable by a pecuniary punishment or up to five years' imprisonment	punishable by four to twelve years' imprisonment
Sexual violence, including rape	punishable by one to six years' imprisonment	punishable by six to fifteen years' imprisonment or life imprisonment
Forced marriage	punishable by one to seven years' imprisonment	punishable by three to fifteen years' imprisonment
Forced marriage with respect to minors	punishable by two to ten years' imprisonment	punishable by three to ten years' imprisonment
Female genital mutilation	punishable by up to five years' imprisonment	punishable by four to twelve years' imprisonment
Forced abortion	punishable by three to twelve years' imprisonment	
Forced sterilisation	punishable by four to twelve years' imprisonment	
Sexual harassment	punishable by a fine of up to 300 fine units or by detention	

Source: Penal Code

Other measures

269. A perpetrator who is sentenced to unconditional imprisonment, may be subjected to supervision of conduct.

- During supervision of conduct, an offender is required to comply with certain supervisory requirements. For example:
 - 1) to reside in a permanent place of residence determined by the court;
 - 2) to report at intervals determined by the probation supervisor at the probation supervision department;
 - 3) to submit, in his or her place of residence, to the supervision of the probation officer and provide the probation officer with information relating to the performance of the offender's obligations and his or her means of subsistence;

- 4) to obtain the permission of a probation officer before leaving his or her place of residence within the territory of Estonia for longer than fifteen days;
 - 5) to obtain the permission of the probation officer before changing residence, employment or place of study;
 - 6) to obtain the permission of a probation officer before leaving the territory of Estonia and staying outside the territory of Estonia.
- Taking into consideration the circumstances relating to the commission of the criminal offence and the personality of the offender, the court may impose the following additional obligations on the offender for the period of supervision of conduct:
 - 1) to remedy the damage caused by the criminal offence within a term determined by the court;
 - 2) not to consume alcohol and not to possess or use narcotic drugs or psychotropic substances;
 - 3) not to hold, carry or use weapons;
 - 4) to seek employment, acquire general education or a profession within the term determined by the court;
 - 5) to undergo the prescribed treatment if the offender has previously consented to such treatment;
 - 6) to perform the maintenance obligation;
 - 7) not to stay in places determined by the court or communicate with persons determined by the court;
 - 8) to participate in social programmes;
 - 9) to submit to electronic surveillance if the offender has previously consented to such surveillance;
 - 10) to submit to surveillance of compliance with prohibition on consumption of alcohol by an electronic device, if the offender has previously consented to such surveillance.
270. If a court imposes detention or imprisonment for a term of up to two years or enforces a conditional prison sentence imposed pursuant, the court may substitute it by community service.
271. If a court imposes imprisonment of up to one year, the court may substitute the imprisonment by electronic surveillance.
272. If imprisonment of six months up to two years is imposed on a person for an act which he or she committed due to a treatable or controllable mental disorder, the court may substitute the imprisonment by treatment.
273. In addition to imprisonment or a fine, a restraining order against contact may be imposed on the offender.
274. If a court convicts a citizen of a foreign state of an intentional criminal offence and imposes imprisonment, the court may impose expulsion with prohibition on entry for up to ten years as supplementary punishment on the offender.
275. What concerns “the withdrawal of parental rights”, there is no specific regulation yet for the cases of violence against one parent in Estonia. Court shall decide upon the circumstances of each individual case; which arrangements are in the best interests of the child. Violence against children is of course an important ground for the withdrawal of parental rights (Family Law Act § 134-135).

5.13. Aggravating circumstances

276. The article 58 of the Penal Code stipulates a number of circumstances that shall be considered aggravating in sentencing.
277. According to the article of 59 of the Penal Code, the mitigating or aggravating circumstances provided for in §§ 57 and 58 of this Code shall not be considered in imposition of a punishment if they are described by law as the necessary elements of an offence.

5.14. Mandatory alternative dispute resolution processes

278. Estonian legislation does not contain provisions on a compulsory alternative dispute resolution process such as conciliation.

279. According to the article 203.2 of the Penal Code Prosecutor's Office or the court may use conciliation procedure and send accused and the victim to conciliation proceedings with the objective of achieving conciliation and remedying of the damage caused by the criminal offence. Prosecutor's Office or the court may terminate criminal proceedings on the basis of conciliation (but may also not to terminate). The consent of the suspect or accused and the victim is necessary for application of conciliation procedure. Conciliation is always based on the agreement of the parties and requires voluntary consent. In the case of a minor or a person suffering from a mental disorder, the consent of his or her parent or another legal representative or guardian is also required.

280. There will be a conciliator appointed to lead the procedure. The institution responsible for the conciliation procedure is Victim Support Service and the conciliation procedure will be carried out by victim support specialists.

281. According to the article 4 (4) of the Code of Civil Procedure, it is court's discretionary decision whether to refer parties to participate in conciliation. The article of 563 of the Code of Civil Procedure addresses conciliation procedure in case of violation of order regulating access to child or agreement. There is amendment proposal in work regarding this provision. In any case, also now applies the rule that when steering the parties towards settling the matter by agreement or drawing their attention to the possibility to seek the assistance of a family counsellor, the court takes account of whether a parent has been violent towards a child or the other parent.

5.15. Administrative and judicial data

Cases resulting in the death of a woman

282. The statistics about death by sex according to the Estonian causes of death registry is presented in the table 8. It comprises women victims who have died as a consequence of all forms of external violence, not only domestic or intimate partner violence. Nevertheless, most killed women have died as a consequence of domestic homicide.

Table 8. Data of death by sex caused by homicide*

Year	Total	Men victims	Women victims
2020	42	32	10
2019	26	20	6
2018	28	23	5
2017	29	21	8
2016	33	24	9
2015	45	35	10
2014	42	33	9
2013	52	34	18
2012	64	47	17
2011	65	51	14

Source: the Estonian Causes of Death Registry

* Victims of homicides according to the causes of death registry are generally cases that have been qualified as victims of murders or homicides in criminal proceedings, but as the definition of the cause of death is not related to the criminal qualification of the case and may change during the proceedings (eg change in assessment of intent and qualification), then data of causes of death registry and of E-file usually do not exactly match.

283. According to the criminal statistics by the Ministry of Justice a total of 16 people died in 2020 due to domestic violence, of which 8 were women and 8 men victims. The preliminary numbers of registered domestic (including intimate partner) homicides, including attempts (articles 113 and 114 of Penal Code) in 2017-2020 is presented above.

2017: 15 domestic violence homicides, including 12 intimate partner homicide, of which 7 were women victims.

2018: 11 domestic violence homicides, including 5 intimate partner homicides, of which all 5 were women victims.

2019: 7 domestic violence homicides, including 4 intimate partner homicides, of which all four were women victims.

2020: 14 domestic homicides, including 10 intimate partner homicides, of which 4 were women victims. In 2020, woman victims were an average almost 50 years old. In more than half of the domestic homicide cases, the victim had previously been involved in intimate partner violence. In 2018-2020, there were no cases which resulted in the death of the children of the women victims.

284. According to the Penal Code, a manslaughter is punishable by six to fifteen years' imprisonment and a murder by eight to twenty years' imprisonment or life imprisonment. Thus, perpetrators convicted in domestic homicides receive long prison sentences.

285. In 2019, The Police and Border Guard analysed domestic violence, including intimate partner violence (incl. attempts) cases registered within police in 2015–2018 in accordance with articles 113–119 of the Penal Code. A total of 125 offences and related data of 252 individuals were reviewed. In 2021, the Ministry of Justice will analyse domestic, including intimate partner homicides (incl. attempts) cases registered within police in 2019–2020. In addition, the Ministry of Justice has started collecting data into the Homicide Monitor, which includes detailed information also about homicides committed by an intimate partner.

Other cases of domestic violence

286. Overview about registered domestic violence cases and other forms of violence that affect women, can be found in the website of the Ministry of Justice.

2017:

https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevuseestis_2_017_veebi01.pdf (Chapter 6)

2018:

https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/07_perevagivald.pdf

2019: <https://www.kriminaalpoliitika.ee/kuritegevuse-statistika/perevagivald-ja-ahistamine.html>

2020: <https://www.kriminaalpoliitika.ee/kuritegevus2020/perevagivald-ja-ahistamine>

287. According to the Police and Border Guard Board, they get annually approximately 16 000 notices (incl calls) of domestic violence, of which most are not criminal cases:

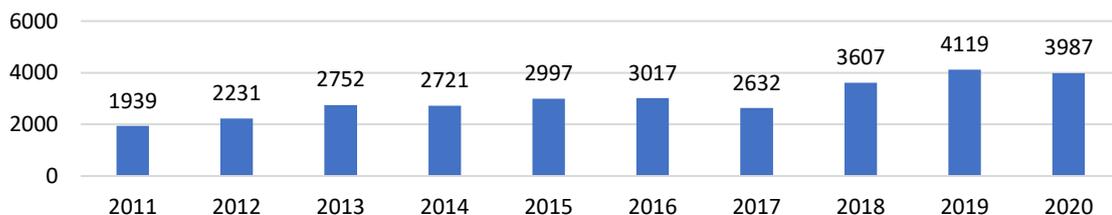
2018: 15 241

2019: 16 451

2020: 16 347

288. In the last ten years the number of registered domestic violence cases has been on a rise. In 2020, the growth in the number of domestic violence crimes stopped and 3987 domestic violence crimes were registered.

Figure 1. The registered domestic violence offences



Source: E-File

289. Acts of the domestic violence constituted nearly 15% of all crimes, and half of all violent crimes in 2020. The majority (84%) of the acts of domestic violence were the acts of physical abuse and 11% were threats. Cases of intimate partner violence accounted for the largest proportion of all domestic violence cases – 2/3 in 2020.
290. 88% of perpetrators of domestic violence were men and 81% victims of domestic violence were women in 2020. According to the police data approximately a little bit less than one third of registered domestic violence cases have been with child victim or child witnessing the crime.
291. Recent analyse⁵⁴ about criminal proceedings, measures and sanctions imposed in domestic violence cases (physical abuse cases committed in a close relationship of Penal Code) was carried out in 2020.
292. Restraining orders are in criminal proceedings used mostly in domestic violence cases. The number of requested temporary restraining orders:
- 2017: 25
 - 2018: 63
 - 2019: 57
 - 2020: 55
293. Police may on a temporary basis apply a prohibition on stay, which means prohibiting a person from staying in the vicinity of a certain person or in a certain place, require him or her to leave the vicinity of the said person or the said place, or to avoid coming to a certain distance from the person or place. In 2020, according to the domestic violence notices (calls) police applied prohibition to stay 316 times (2019: 270), of which 42 bans were formalized in writing.

⁵⁴ https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/menetlus-ja_karistuspraktika_lahisuhtes_kehalise_vaarkohtlemise_juhtumites_veebi_0.pdf

VI. Investigation, prosecution and procedural law and protective measures

6.1. Measures to ensure a prompt and appropriate response from law enforcement agencies to all forms of violence

294. Domestic violence is among the offences that according to the joint agreement by the Minister of Justice, the Minister of Interior, Police and Border Guard Board and Prosecutor's Office has given priority for a number of years.
295. There is one concrete public prosecutor assigned in Prosecutor's Office, whose main task is to harmonize procedural practices related to domestic violence. There are guidelines agreed by the Police and Border Guard Board and Prosecutor's Office, which sets main principles regarding investigation and prosecution of domestic violence cases.
296. Criminal justice systems practitioners have been trained to take any sign of a possible domestic violence seriously and to ensure foremost victim safety. Throughout the proceeding's victim-centered approach is applied. Victim will be treated in a supportive way, informed about their rights and victim support services.

6.2. Procedures to ensure that an assessment of the lethality

297. Since 2019 Estonia has implemented MARAC (Multi-Agency Risk Assessment Conferences) method for **high risk domestic violence cases** across a country. MARAC is a monthly risk management meeting where professionals share information on high risk cases of domestic violence and abuse and put in place a risk management plan.
298. MARAC includes the identification and assessment of victims' risks, the development and implementation of an intervention plan, case management network meetings, shared information and responsibilities, and the evaluation of results.
299. In all cases of domestic violence, the police are obliged to carry out the risk assessment from the first contact with the domestic violence case, and in cooperation with other authorities to carry out risk management. The obligation to assess the risks is in any cases - whether it is a criminal proceeding or not. The DASH (MARAC risk assessment) is used for risk assessment and planning of further activities.
300. Since end of 2019 every Estonian province has its own MARAC team (all together 19 MARAC's). The meetings usually take place monthly or fortnightly, and discuss an average of 5 to 10 cases at each meeting. Each Estonian MARAC is chaired by local police and is coordinated by local victim support specialist. Participating agencies include representatives from prosecutor's office, women's shelter, local government and child protection but also more often from health services. Since 2019 there is also volunteer support person system which is coordinated by victim support (Estonian Insurance Board) and provides a range of activities for helping high risk domestic violence survivors under MARAC-s.
301. Nationwide MARAC system is chaired by the Estonian Ministry of the Interior, funded from 2016 to 2023 by European Social Fund (ESF) and coordinated by Victim Support under Estonian Insurance Board. After the end of the current cycle of ESF support in 2023 the aim is to provide state funding for MARAC system. You can find more information about MARAC from here: <https://www.sotsiaalkindlustusamet.ee/ohvriabi-huvitis/marac-juhtumikorralduse-mudel>.
302. There is a separate manual for Multi- Agency Risk Assessment Conference (MARAC) based on UK practices and applied. The risk assessment questionnaire DASH is available in Estonian and Russian. In addition, training videos about MARAC are available. MARAC cooperation seminars and trainings with supportive guidelines were organised since 2016 every year with an emphasis on the exchange of knowledge and experience of best practices in working with victims of gender-based violence. Extra focus has been put on high-risk cases and MARAC model.

6.3. Emergency barring order (prohibition on stay)

303. When resolving domestic violence case, the police must create a safe physical distance between the perpetrator and the victim, i.e., depending on the nature of the case, remove the perpetrator from the scene if possible: voluntary departure, the prohibition on stay, sobering up or detention.

304. If there are no grounds for detention or sobriety of a person, but there is an imminent threat to the life or health of another person, the prohibition on stay must be considered. The police or another law enforcement agency may use prohibition on stay according to the Law Enforcement Act (paragraph 44).
305. The prohibition on stay (described above) must also be considered before a person is released from sobriety or detention under the Law Enforcement Act if the threat assessment (incl. the person's previous background) indicates that the person may also be violent when sober.
306. In the case of domestic violence, the prohibition on stay means: not to allow the perpetrator to be close to the victim, to stay or approach a certain place (in the same room as the victim, at the victim's workplace, etc.). The scope of the prohibition on stay will be decided on a case-by-case basis according to the circumstances. It must be made clear to the perpetrator how close he or she can get to the victim, the purpose of the prohibition on stay, how long the prohibition is valid and the consequences of violating the prohibition on stay.
307. The victim must be informed of his or her rights, the possibilities for obtaining assistance and the content, scope, validity, purpose and how to deal with a breach of the prohibition on stay (call 112).
308. A police officer or, in the cases provided by law, an official of another law enforcement agency may apply a prohibition on stay for up to 12 hours. A prohibition on stay may only be applied over 12 hours with the authorisation of a prefect or the head of the other law enforcement agency.

6.4. Restraining or protection orders

309. Restraining orders can apply to all victims of violence covered by the Convention and can be introduced in subsequent legal proceedings.
310. In order to protect the private life of a person or other personality rights, the civil court may apply a restraining order or other measures. Such measures may be applied with a term of up to three years. Where necessary, the court may secure a petition for application of a restraining order or another measure for protection of personality rights or apply interim protection of a right by an order at its own initiative. A restraining order can be dealt with in separate proceedings or together with the other claim. The state fee for applying restraining order in civil court is 50 euros. The order is subject to enforcement from the service thereof on the obligated person.
311. In 2020, an analysis of the case law on the imposition of a restraining order by civil court has been completed⁵⁵. The analysis revealed that, in general, the current law is sufficiently clear and flexible, and thus there is no unavoidable need to amend the law. On the other hand, some practical measures could be considered to help applicants better understand their rights and obligations and to make court proceedings more flexible. However, the analysis shows that reaching a substantive solution has been slowed down in several cases due to shortcomings in the application for a restraining order. However, courts, which would be able to be more flexible in non-action proceedings, continue to be very strict on formal requirements. Thus, one of the suggestions made in the analysis is to develop an application form that would allow the petitioner to more easily understand what information the court needs for a speedy proceeding.

In addition, the analysis drew attention to the possibility in law to conduct hearings without the other party being present. In-person and oral hearings are usually expedient in restraining order cases, but at the same time the applicant for a restraining order may find himself in a situation for which he is seeking protection in court due to the presence of the other party in the courtroom. Thus, the authors of the analysis proposed to provide for the applicant's right to request a separate hearing from the court and to regulate the criteria in the presence of which the court is obliged to hear the parties to the proceedings separately.

312. The system of restraining orders in criminal proceedings was established for the protection of victims from violence in mid-2006. For protection of victims during the criminal proceedings, temporary restraining order may be requested by the Prosecutor's Office and applied by court.
313. Since 2015 a court may apply a restraining order together with the electronic surveillance with the consent of the suspect or accused. The court may order electronic surveillance with the term of one to twelve months. In practice, restraining order with electronic device is rarely used.

⁵⁵ https://www.just.ee/sites/www.just.ee/files/tsiviiloiguslik_lahenemiskeeld_2020_justiitsministeerium.pdf

314. Since May of 2020, in urgent cases, the temporary protection order may be established by an order of a prosecutor's office and regardless of the consent of the victim. In this case, the prosecutor's office shall inform a court of the establishment of the protection order within two working days and the court decides, taking into consideration the consent of the victim, on the admissibility of the protection order.
315. If a court makes a judgment of conviction, the court may apply at the request of the victim a restraining order with up to three years to an offender convicted of a crime against the person. The temporary restraining orders lasts usually until the end on criminal proceedings.
316. The delay between issuing such an order and when it takes effect: in criminal proceedings restraining order enter into force as of the making of the order; in civil law the order is subject to enforcement from the service thereof on the obligated person.
317. Violation of a restriction order or other measure of protection of personality right imposed by a court decision, if this poses a danger to the life, health or property of persons, or repeated violation of a restriction order or other measure of protection of personality right is punishable by a pecuniary punishment or up to one year's imprisonment.
318. The support and advice made available to women seeking such protection: in criminal proceedings the prosecutor help is available; legal aid is provided via national victim support service and from women's support centres; information is also available on the different web-pages. In addition, the Ministry of Justice has composed [information material](#) about restraining order in Estonian and Russian language.

6.5. Administrative and judicial data

319. The statistics about restraining orders is given in section 5.15.
320. The numbers of registered offences of breaches of restraining orders.
- 2017: 193
 - 2018: 176
 - 2019: 113
 - 2020: 79

6.6. Legal proceedings *ex officio*

321. According to the article of 193 of the Code of Criminal Procedure, the investigative body or the Prosecutor's Office commences criminal proceedings by the first investigative activity or other procedural act if a reason and grounds for commencement are present and if the circumstances provided in subsection 1 of section 199 of this Code are absent (please see Annex).

6.7. Legal proceedings *ex parte*

322. The law does not provide the termination of the proceedings if the woman victim withdraws her statement or complaint. The Code of Criminal Procedure contains § 199-205.2 on termination of proceedings and no such possibility is foreseen.

6.8. NGOs or other civil society actors and domestic violence counsellors to assist or support victims

323. According to article 38 of the Code of Criminal Procedure, a victim has the right to have one person chosen by him or her to accompany him or her at any procedural acts unless the body conducting the proceedings has refused this with good reason.
324. The person accompanying the victim at procedural acts, shall be cautioned that disclosing information relating to proceedings is not permitted and interference in the course of the procedural acts is not permitted.

6.9. Available measures of protection are available during investigations and judicial proceedings

325. According to article 37.2 of the Code of Criminal Procedure, the body conducting proceedings is obligated to assess whether any circumstances exist which give reason to believe that the victim who is a natural person requires special treatment and protection in criminal proceedings. As a result of the assessment, a decision shall be made concerning which of the opportunities provided in this Code to use to ensure the safety of the victim.

326. During the investigations and judicial proceedings, social and psychological support is available via victim support system. Well-trained volunteers provide support person service for participants of MARAC, but also women's shelters have trained workers to provide support, and victim support specialists provide support as well.

Details on all measures referred to in Article 56 paragraph 1

327. Inform women victims, at least where they and their family might be in danger, when the perpetrator escapes or is released temporarily or definitively:

- According to the Code of Criminal Procedure § 38, a victim who is a natural person shall have the right to:
 - 1) receive information concerning taking into custody of a person suspected of a criminal offence and request to be notified of release of the person held in custody in the event of any danger, except in the case communication of such information would cause any harm to the suspect;
 - 2) request to be notified of the release of the convicted offender before the prescribed time or escape of the convicted offender from a custodial institution in the case the information can prevent danger to the victim;

328. Enable women victims to be heard, to supply evidence and have their views, needs and concerns presented (directly or through an intermediary), and considered:

- According to the article 38 of the Code of Criminal Procedure, a victim has the right to give or refuse to give testimony; submit evidence; submit requests and complaints; express an opinion on the impact associated with the criminal offence on him or her and on taking of responsibility for the criminal offence.

329. Provide women victims with appropriate support services so that their rights and interests are duly presented and taken into account:

- According to the Code of Criminal Procedure § 37.2 and 38, as a result of the assessment, a decision shall be made concerning which of the opportunities provided in this Code to use to ensure the safety of the victim.
- An investigative body or the Prosecutor's Office shall explain to the victim his or her rights and the conditions and procedure for receipt of legal aid ensured by the state.

330. Ensure that contact between women victims and perpetrators in law enforcement agency and court premises is avoided whenever possible:

- According to article 37.2 of the Code of Criminal Procedure as a result of the assessment, the victim should be conducted on premises adapted for the special needs of the victim, or by, or with the participation of, a specialist trained for questioning victims with special protection needs or, if possible, by the same person throughout the proceedings.

331. According to the Code of Criminal Procedure, paragraph 70, specifications concerning hearing of witnesses who are minors can be used. According to the § 37 the provisions applicable to witnesses apply to victims in the performance of procedural acts.

332. When children are involved in the domestic violence case, the interests, rights and well-being of the children must be a priority. According to the domestic violence response procedure established by the Police and Border Guard Board, regardless of whether the children were direct victims, witnessed the incident or stayed away (including both in another room and away from the scene), they are children in need of assistance or in danger. In cases related to children, the local child protection worker or the child protection department of the Social Insurance Board police

immediately notifies of the child in danger or in need of help by calling the 24-hour security telephone number 116111.

333. The police may detain a person by locking him or her to a room or a vehicle or by restricting his or her physical liberty in another manner to a significant extent if it is unavoidable: for taking a child in danger to safety without the consent of his or her legal representative if a child protection official is unable or is unable in a timely manner to intervene for the protection of the child.
334. Estonia's children's house service, based on the Barnahus model, provides child-friendly and multi-disciplinary services to child victims of sexual abuse. The first children's house was established in 2017, currently there are three houses in Estonia. In the children's houses different specialists such as child protection officials, the police, prosecutor, doctors, psychologists and others work together to ensure the welfare of sexually abused children. Children's houses carry out initial assessment of the child's situation, coordinate the assistance to victims, provide a child-friendly setting for child interviews and support the local child protection officers in providing necessary assistance and services to the child and its family. The Ministry of Social Affairs has proposed in a recent (2020) analysis that the children's houses could in the future also provide support to other child victims and witnesses of domestic violence who need immediate crisis counselling and integrated services to cope with the trauma caused by exposure to violence.
335. In addition, the Child Protection Act provides that if a child victim of violence is in a situation which endangers his or her life or health (a child in danger), he/she shall be placed in safety by the child protection official of the local municipality or by the police. If the child is harmed by its parent(s) or custodian(s), the local government or the Social Insurance Board may turn to court in order to restrict the right of custody. If needed, they also have the authority to temporarily separate the child from family even before the court ruling on restriction of the right of custody, if leaving the child in the family or the communication between the parent and child endangers the life or health of the child.

6.10. Free legal aid for women victims

336. In all other proceedings, a natural person (including persons with disabilities) may receive state legal aid if the person is unable to pay for competent legal services due to his or her financial situation at the time the person needs legal aid or is able to pay for legal services only partially or in instalments or whose financial situation does not allow meeting basic subsistence needs after paying for legal services. State legal aid is the provision of legal services to a person at the expense of the state. State legal aid means that an advocate appointed by the Estonian Bar Association shall represent and provide counselling to the person participating in legal proceedings (criminal proceedings, misdemeanour proceedings, civil proceedings, administrative court proceedings, administrative proceedings, enforcement proceedings).
337. State funds also free legal help: www.juristaitab.ee.
338. In addition to state legal aid Ministry of Justice has cooperation and partnership with state supported primary legal aid providers and the work they do is covered from the state funds. In 2021 the call for partners has been just released (in March 2021) and the call is for 3-year partnership and support is given for primary first aid either given on the meetings, over the phone and the first two meetings are free with the 5 euro co-financing of the person who gets legal advice, further rate per hour shouldn't go over the 50 euro rate per hour.
339. Free legal aid is provided via national victim support service, women victims of violence can receive legal counselling from women's support centres, if necessary. Also, victims of sexual violence have received free legal counselling after turning to hospitals/SACs. Both ways have no eligibility criteria besides that the service provider sees the need for this particular victim.

6.11. Other existing investigation, prosecution, procedural law and protective measures in relation to violence against women

340. The police can use the uniform camera to record the application of a state supervision measure or to collect the evidences in criminal proceedings - in cases of domestic violence, the uniform camera is used by patrol police officers, in some cases also by the local police during follow-ups.

341. In 2021, the Police and Border Guard Board plans to test the alert button service for victims of domestic violence, the aim of which is to ensure the person's help and safety as quickly as possible in a situation where he or she has been a victim of physical or sexual violence.

VII. Migration and asylum

7.1. Autonomous resident permits

342. Aliens Act (hereinafter AA) allows possibility to issue a residence permit for settle permanently in Estonia to a foreigner, who has a residence permit with spouse and his or her marriage ends before three years have passed as of the issue of a residence permit but the obligation to leave Estonia would be clearly too burdensome for him or her. Same rights and possibility to apply an independent residence permit applies to his or her close relatives (direct descending and ascending relatives, etc.).
343. The AA § 203 foresees possibility to grant a residence permit for participation in a criminal proceedings for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if he or she has been issued a residence permit to settle with his or her spouse and their marriage ends before three years have passed as of the issue of the residence permit and he or she is a victim in a criminal procedure (physical abuse committed in a close relationship or relationship of subordination or rape).
344. In addition, the AA § 210³ allows in exceptional circumstances to an foreigner to grant a residence permit issued for settling permanently in Estonia if the foreigner is staying in Estonia and his or her temporary stay, residence and employment in Estonia and the obligation to leave Estonia of an foreigner it has become evident that it would be clearly unduly burdensome to him or her.
345. Since 2017 applies derogation for foreigners which allows to apply for a permanent residence permit for settle in Estonia if he or she has held Estonian residence permit or right of residence but who has been taken during the period of validity of the residence permit or right of residence to another state for the purpose of forced marriage and as a result has lost the Estonian residence permit or right of residence.
346. In 2017-2020, no residence permits have been applied for or issued for the above-mentioned reasons. As Estonian legislation allows applying a residence permit for settle permanently in Estonia after three years continuous residence on the basis of a temporary residence permit and therefore foreigners do not have to justify the dissolution of the marriage or etc.

7.2. Asylum application based on gender

347. The Act on Granting International Protection to Alien (AGIPA) is in full conformity with the 1951 Geneva Convention and respective EU acquis. Article 4 of the AGIPA provides for the definitions of a refugee and refugee status, person eligible for subsidiary protection and subsidiary protection status. Article 19 (2)(6) (Bases for establishing persecution and serious risk) of AGIPA provides for that among other circumstances the gender-specific acts and acts directed against minors, shall be considered to be persecution.

7.3. Gender-sensitive asylum procedures and guidelines

348. Gender sensitive interpretation of the forms of persecution is ensured by the procedural measures. All applicants, inclusive in the case of a married couple or a family, are registered and processed individually. Same sex interpreter and case officer is used whenever possible unless requested otherwise. All family members are interviewed individually. All decisions of the international protection are reasoned individually and are given in the individual administrative acts. In case of the decision to grant international protection, the detailed reasoning of the decision is only available to the specific applicant also for the purposes of better protecting victims of gender specific persecution and for avoiding possible re-traumatization.
349. There are two types of the international protection enacted in Estonia: refugee status and subsidiary protection status. It is technically challenging to keep statistics on the specific details of the arguments in the decisions on the need for the international protection. Often the grounds are also combined and interlinked. All the reasoning is described in the administrative act granting or refusing to grant protection and the statistics based on the reasons are not kept. Every application is processed individually irrespective of the age, gender or marital status or the composition of the family of the applicant. During the period of 1997 – 2020, there have been 1255 applicants for international protection and 347 of them have been female (including under aged). The statistics on the beneficiaries of the international protection is available only based on the types of the international protection granted.

350. All applications are processed individually in full conformity of the EU common asylum system including UNHCR recommendations and EASO guidelines. As a part of the registration of the applicant the vulnerability questionnaire is being filled and the reception centre is being briefed of the special needs. There is possibility to assign either male or female asylum officer, interpreter, adviser and support person to the case.

351. Single women, women with children, single men and families are accommodated separately. The staff in the reception centres and the staff of the international protection proceedings unit are trained to detect and take into account specific procedural and reception needs.

7.4. Prohibition of refoulement

352. In every decision of the international protection need and in every return decision the principle of non-refoulement is assessed. Before taking a decision the opinion of the applicant on the arguments of the decision is being asked and taken account of. Decisions are subject to the assessment in the Administrative Court upon the appeal.

7.5. Other measures taken in relation to the protection of migrant women victims and women asylum seekers in the area of immigration and refugee law

353. In the adaptation courses for beneficiaries of the international protection and their family members the topic of gender equality and support networks is covered. Every beneficiary of the international protection is assigned a support person, who can also provide support and direct to the additional support services for women.

354. As a part of the adaptation programme separate joint activities are offered for women only to support specifically interaction, self-reliance, skills, mental health and general further wellbeing of women.

Annex 1. Table 1: Special training on violence against women for service providers

	PREVENTION AND DETECTION OF VIOLENCE	STANDARDS OF INTERVENTION	EQUALITY BETWEEN WOMEN AND MEN	NEEDS AND RIGHTS OF VICTIMS	PREVENTION OF SECONDARY VICTIMISATION	MULTI-AGENCY COOPERATION	KNOWLEDGE REQUIRED FOR QUALIFICATION TO PRACTICE THE PROFESSION	LENGTH OF CURRICULUM
Police and other law-enforcement officials	X	X	X	X	X	X	X	8 academic hour per curriculum in every municipality
Prosecutors (in each MARAC there is also prosecutor represented, all total 19, who have passed the training)	X	X	X	X	X	X	X	8 academic hour per curriculum
Judges	-	-	-	-	-	-	-	
Social workers	X	X	X	X	X	X	X	8 academic hour per curriculum in every municipality
Medical doctors	-	-	-	-	-	-	-	
Nurses and midwives	-	-	-	-	-	-	-	
Psychologists, in particular counsellors/psychotherapists	-	-	-	-	-	-	-	
Immigration/asylum officials	-	-	-	-	-	-	-	
Educational staff and school administrators	X	X	X	X	X	X	X	8 academic hour per curriculum in every municipality
Journalists and other media professionals	-	-	-	-	-	-	-	
Servicemen and women	-	-	-	-	-	-	-	
Any other relevant category: shelters, child protection services (eg therapists, Labour Market Office specialists, Women support centre professionals)	X	X	X	X	X	X	X	8 academic hour per curriculum in every municipality

Annex 2. Table 1: In-service training

	PREVENTION AND DETECTION OF VIOLENCE	STANDARDS OF INTERVENTION	EQUALITY BETWEEN WOMEN AND MEN	NEEDS AND RIGHTS OF VICTIMS	PREVENTION OF SECONDARY VICTIMISATION	MULTI-AGENCY COOPERATION	KNOWLEDGE REQUIRED FOR QUALIFICATION TO BEST PROFESSION	LENGTH OF CURRICULUM
Police and other law-enforcement officials	x	x	x	x	x	x		8 h
Prosecutors	x	x	x	x	x	x		8 h
Judges	x	x	x	x	x	x		8h
Social workers	x	x	x	x	x	x		8h
Medical doctors	x	x	x	x	x	x	x	8 h
Nurses and midwives	x	x	x	x	x	x	X	8 h
Psychologists, in particular counsellors/psychotherapists	x	x	x	x	x	x		8 h

	NUMBER OF PROFESSIONALS TRAINED	MANDATORY NATURE	AVERAGE LENGTH OF CURRICULUM	PERIODICITY	FUNDING SOURCE	BODY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING	TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS
Medical doctors	12	x	3h per month	Once in month	State financed	Social Insurance Board	By WHO guidelines and protocols provided by SACs in Estonia
Nurses and midwives (SAC centers)	6	x	3h per month	Once in month	State financed	Social Insurance Board	By WHO guidelines and protocols provided by SACs in Estonia
Nurses and midwives (in receptional level)	15	x	4h per year	Once in a year	State financed	Social Insurance Board	By WHO guidelines and protocols provided by SACs in Estonia
Psychologists, in particular counsellors/psychotherapists	1		3h per month	Once in month	State financed	Social Insurance Board	By WHO guidelines and protocols provided by SACs in Estonia
Women Support Centres	20		90 academic h	Annual	State financed	Social Insurance Board	Victim support Act

Annex 3. Extracts of the relevant legal texts

The Constitution of the Republic of Estonia

<https://www.riigiteataja.ee/en/eli/530122020003/consolide>

§ 12. Everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other beliefs, property or social status, or on other grounds. The incitement of national, racial, religious or political hatred, violence or discrimination shall be prohibited and punishable by law. The incitement of hatred, violence or discrimination between social strata shall also be prohibited and punishable by law.

§ 13. Everyone has the right to the protection of the state and of the law. The Estonian state shall also protect its citizens abroad. The law shall protect everyone from the arbitrary exercise of state power.

§ 14. The guarantee of rights and freedoms is the duty of the legislature, executive and judiciary, and of the municipalities.

§15. Everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone has the right, while his or her case is before a court, to request for any relevant law, other legal act or action to be declared unconstitutional. The courts shall observe the Constitution and shall declare unconstitutional any law, other legal act or action that violates the rights and freedoms provided for in the Constitution or is otherwise in conflict with the Constitution.

§ 18. No one may be subjected to torture or to cruel or degrading treatment or punishment. No one may be subjected to medical or scientific experiments against his or her free will.

Paragraph 19. Everyone has the right to free self-realisation.

In exercising his or her rights and freedoms and fulfilling his or her duties, everyone must respect and consider the rights and freedoms of others, and must observe the law.

§ 25. Everyone has the right to compensation for moral and material damage caused by the unlawful action of any person.

§ 28. Everyone has the right to the protection of health.

Estonian citizens have the right to assistance from the state in the case of old age, incapacity for work, loss of a provider or need. The categories and extent of assistance, and the conditions and procedure for the receipt of assistance shall be provided by a law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by a law.

The state shall promote voluntary and municipal welfare services.

Families with many children and persons with disabilities shall be under the special care of the state and municipalities.

Penal Code

<https://www.riigiteataja.ee/en/eli/509032021001/consolide>

§ 22. Accomplice

- (1) Accomplices are abettors and aiders.
- (2) An abettor is a person who intentionally induces another person to commit an intentional unlawful act.
- (3) An aider is a person who intentionally provides physical, material or moral assistance to an intentional unlawful act of another person.
- (4) Unless otherwise provided for in § 24 of this Code, a punishment shall be imposed on an accomplice pursuant to the same provision of law which prescribes the liability of the principal offender.
- (5) In the case of an aider, the court may apply the provisions of § 60 of this Code.

§ 25. Attempt

- (1) An attempt is an intentional act the purpose of which is to commit an offence.
- (2) An attempt is deemed to have commenced at the moment when the person, according to the person's understanding of the act, directly commences the commission of the offence.
- (3) If an act is committed by taking advantage of another person, the attempt is deemed to have commenced at the moment when the person loses control over the events or when the intermediary directly commences the commission of the offence according to the person's understanding of the act.
- (4) In the case of a joint offence, the attempt is deemed to have commenced at the moment when at least one of the persons directly commences the commission of the offence according to the agreement of the persons.
- (5) In the case of an omission, the attempt is deemed to have commenced at the moment when the person fails to perform an act which is necessary for the prevention of the consequences which constitute the necessary elements of an offence.
- (6) In the case of an attempt, the court may apply the provisions of § 60 of this Code.

§ 58. Aggravating circumstances

Aggravating circumstances are:

- 1) self-interest or other base motives;
- 2) commission of the offence with peculiar cruelty, or degradation of the victim;
- 3) commission of the offence knowingly against a person who is less than eighteen years of age, pregnant, in an advanced age, in need of assistance or has a severe mental disorder;
- 4) commission of the offence against a person who is in a service or financially dependent relationship with the offender, and against a former or current family member of the offender, against a person who lives with the offender or a person who is otherwise in a family relationship with the offender;
- 5) commission of the offence during a state of emergency or state of war;
- 6) commission of the offence by taking advantage of a public accident or natural disaster;
- 7) commission of the offence in a manner which is dangerous to the public;
- 8) causing of serious consequences;
- 9) commission of the offence in order to facilitate or conceal another offence;
- 10) commission of the offence by a group;
- 11) taking advantage of an official uniform or badge in order to facilitate commission of the offence;
- 12) commission of the offence against a minor with abuse of power or confidence;
- 13) commission of the offence against the person by an adult in the presence of a minor.

§ 59. Prohibition to repeatedly consider mitigating or aggravating circumstances

The mitigating or aggravating circumstances provided for in §§ 57 and 58 of this Code shall not be considered in imposition of a punishment if they are described by law as the necessary elements of an offence.

§ 60. Mitigation of punishment in cases provided by law

- (1) In the cases specified in the General Part of this Code, a court may mitigate the punishment of a person pursuant to the procedure provided for in subsections (2)-(4) of this section.
- (2) The maximum rate of a mitigated punishment shall not exceed two-thirds of the maximum rate of the punishment provided by law.
- (3) The minimum rate of a mitigated punishment shall be the minimum rate of the corresponding type of punishment provided for in the General Part of this Code.
- (4) If the Special Part of this Code prescribes life imprisonment as a punishment for a criminal offence, imprisonment for a term of three to fifteen years shall be imposed in mitigation of the punishment.

§ 69. Community service

(1) If a court imposes detention or imprisonment for a term of up to two years or enforces a conditional prison sentence imposed pursuant to the procedure provided for in §§ 73 or 74 of this Code, the court may substitute it by community service. One day of detention or imprisonment corresponds to one hour of community service which minimum duration is five hours. Detention or imprisonment shall be substituted by community service only with the consent of the offender.

(2) The duration of community service shall not exceed eight hours a day. If an offender performs community service during the time free from his or her other work or studies, the duration of community service shall not exceed four hours a day. An offender shall not be remunerated for community service.

(3) When a court imposes community service, the court shall determine the term for the performance thereof which shall not exceed twenty-four months in the case of criminal offences and twelve months in the case of misdemeanours. A court may suspend the running of the term due to an illness or family situation of the offender or for a period during which the offender is in compulsory military service, alternative service or reserve service. Upon suspension of the term and upon determination of a new term, the court shall take into account the general term of community service prescribed for the respective offence.

(4) When performing community service, an offender shall observe supervisory requirements and perform the obligations imposed on him or her pursuant to the provisions of § 75 of this Code. The hours of community service imposed on an offender may be deemed to be covered to the extent of up to one-fourth by participation in any activities which reduce the risk of commission of a new criminal offence.

(5) Legislation which regulates health protection and occupational health and safety extends to offenders who perform community service. If necessary, the court may, before substituting detention or imprisonment by community service, order the medical examination of the offender in order to ascertain whether the state of health of the offender enables him or her to perform community service.

(6) If an offender evades community service, fails to comply with supervisory requirements or perform the obligations imposed on him or her, the official enforcing the punishment may issue a written notice cautioning him or her or the court may impose additional obligations on the offender in accordance with the provisions of subsection 75 (2) of this Code, extend the term for the performance of community service, taking into consideration the general term provided for in subsection (3) of this section for performance of community service, or enforce the detention or imprisonment imposed on the offender. In the case of enforcement of detention or imprisonment, the sentence shall be deemed to be served to the extent of the community service performed by the offender, whereas one hour of community service corresponds to one day of detention or imprisonment. In the case of enforcement of detention of less than ten days, the sentence shall be deemed to be served to the extent of the hours of community service performed by the offender in proportion to the detention imposed.

(7) If an offender commits another criminal offence during the performance of community service and is sentenced to imprisonment, the unserved part of the community service imposed on the offender shall be substituted for pursuant to the ratio provided for in subsection (6) of this section. The aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.

§ 69¹. Substitution of imprisonment by electronic surveillance

(1) If a court imposes imprisonment of up to one year, the court may substitute the imprisonment by electronic surveillance. One day of imprisonment corresponds to one day of electronic surveillance. Imprisonment shall be substituted by electronic surveillance only with the consent of the offender.

(2) If an offender does not submit to electronic surveillance, fails to comply with supervisory requirements or perform the obligations imposed on him or her, the probation officer may issue a written notice cautioning him or her or the court may enforce the imprisonment substituted. If an offender withdraws his or her consent for application of electronic surveillance prior to expiry of the term of punishment, the court shall enforce the imprisonment substituted.

(3) If an offender commits another criminal offence after the pronouncement of the conviction but before the sentence is served in full, the unserved part of the sentence imposed by the previous judgment shall be added to the punishment imposed for the new offence in accordance with subsection 65 (2) of this Code, whereas the time of electronic surveillance shall not be included in the punishment served.

§ 69². Substitution of imprisonment by treatment

(1) If imprisonment of six months up to two years is imposed on a person for an act which he or she committed due to a treatable or controllable mental disorder, the court may substitute the imprisonment by treatment.

(2) The provisions of subsection (1) of this section may be applied only as partial substitution in the case of complex treatment of sex offenders.

(3) The provisions of subsection (1) of this section may be applied as a prerequisite for release on parole.

(4) Imprisonment is substituted by treatment only with the person's written consent which he or she can give after all the impacts of the treatment have been explained to him or her.

(5) The term of treatment shall not be shorter than eighteen months or longer than three years.

(6) For the purposes of this Act, treatment is:

1) addiction treatment of drug addicts to a person who committed a criminal offence due to drug addiction;

2) complex treatment of adult sex offenders to a person who committed a criminal offence due to sexual orientation disorder.

(7) The treatment consists of subsection of an offender to in-patient or out-patient treatment which objective is to treat the mental disorder which was the reason for commission of the criminal offence or to control such disorder.

(8) During the treatment, an offender shall observe supervisory requirements and perform the obligations imposed on him or her pursuant to the provisions of § 75 of this Code.

(9) If an offender evades treatment, fails to comply with supervisory requirements or perform the duties imposed on him or her, the probation officer may issue a written notice cautioning him or her or the court may impose additional obligations on him or her in accordance with the provisions of subsection 75 (2) of this Code and additionally submit the offender to electronic surveillance with his or her consent or enforce the imprisonment imposed on the offender. If an offender withdraws his or her consent for application of treatment prior to the end of the term of treatment or if treatment is suspended with respective prescription of a doctor due to side effects of the treatment or other medical indications, the court shall enforce the imprisonment imposed on the offender.

(10) If an offender commits a new criminal offence during the period of treatment and is sentenced to imprisonment, administration of treatment shall be terminated with regard to him or her and an aggregate punishment shall be imposed on him or her pursuant to the provisions of subsection 65 (2) of this Code.

(11) Treatment shall be financed pursuant to the procedure provided for in the Health Services Organisation Act.

§ 75. Supervision of conduct

(1) During supervision of conduct, an offender is required to comply with the following supervisory requirements:

1) to reside in a permanent place of residence determined by the court;

2) to report at intervals determined by the probation supervisor at the probation supervision department;

3) to submit, in his or her place of residence, to the supervision of the probation officer and provide the probation officer with information relating to the performance of the offender's obligations and his or her means of subsistence;

4) to obtain the permission of a probation officer before leaving his or her place of residence within the territory of Estonia for longer than fifteen days;

5) to obtain the permission of the probation officer before changing residence, employment or place of study;

6) to obtain the permission of a probation officer before leaving the territory of Estonia and staying outside the territory of Estonia.

(2) Taking into consideration the circumstances relating to the commission of the criminal offence and the personality of the offender, the court may impose the following obligations on the offender for the period of supervision of conduct:

1) to remedy the damage caused by the criminal offence within a term determined by the court;

2) not to consume alcohol;

2¹) not to possess or use narcotic drugs or psychotropic substances;

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- 3) not to hold, carry or use weapons;
 - 4) to seek employment, acquire general education or a profession within the term determined by the court;
 - 5) to undergo the prescribed treatment if the offender has previously consented to such treatment;
 - 6) to perform the maintenance obligation;
 - 7) not to stay in places determined by the court or communicate with persons determined by the court;
 - 8) to participate in social programmes;
 - 9) to submit to electronic surveillance if the offender has previously consented to such surveillance;
 - 10) to submit to surveillance of compliance with prohibition on consumption of alcohol by an electronic device, if the offender has previously consented to such surveillance.
- (3) A court may mitigate or annul the obligations imposed on an offender for the period of supervision of conduct or impose additional obligations on the offender pursuant to the provisions of subsection (2) of this section.
- (4) If an offender promises to improve conduct and assumes obligations not listed in subsection (2) of this section, the court may approve them as obligations.
- (5) Compliance with the supervisory requirements specified in subsection (1) of this section shall be suspended during the time of the serving of a partially enforced imprisonment.
- (6) If an offender has complied for at least six months during the period of probation with the supervisory requirements determined for him or her on the basis of subsections (1)-(4) of this section and performed the obligations imposed on him or her, a court may release the offender from further compliance with the supervisory requirements and performance of the obligations imposed on him or her for the term of supervision of conduct. In such case, the offender shall be obliged to refrain from commission of new criminal offences up to the end of the period of probation.

§ 118. Causing serious health damage

- (1) Causing health damage which results in:
- 1) danger to life;
 - 2) a health disorder which persists for at least four months or which results in partial or no work ability;
 - 3) severe mental disorder;
 - 4) miscarriage;
 - 5) permanent mutilating facial injury;
 - 6) loss or cessation of functioning of an organ; or
 - 7) death,
- is punishable by four to twelve years' imprisonment.
- (2) An act provided for in this subsection, if committed by a legal person, is punishable by a pecuniary punishment.
- (3) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

§ 118¹. Disabling female genital mutilation

- (1) Disabling genital mutilation of a woman or a girl of less than eighteen years of age, or compelling or placing her in a situation where she would suffer from the commission of such act, or instigation of a girl of less than eighteen years of age to suffer from the commission of such act, if the act does not contain the necessary elements of an offence provided for in § 118 of this Code, is punishable by up to five years' imprisonment.
- (2) The same act if:
- 1) committed repeatedly against the same a person;
 - 2) committed against two or more persons;
 - 3) committed by a group;
 - 4) serious health damage is caused thereby;
 - 5) danger to life is caused thereby;
 - 6) serious consequences are caused thereby;
- is punishable by four to twelve years' imprisonment.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 120. Threat

(1) A threat to kill, cause health damage or cause significant damage to or destroy property, if there is reason to fear the realisation of such threat, is punishable by a pecuniary punishment or up to one year's imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 121. Physical abuse

(1) Causing damage to the health of another person and physical abuse which causes pain is punishable by a pecuniary punishment or up to one year's imprisonment.

(2) The same act if:

- 1) it causes health damage which persists for at least four weeks;
- 2) committed in a close relationship or relationship of subordination; or
- 3) committed repeatedly;

is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 125. Termination of pregnancy against will

(1) Termination of a pregnancy against the will of the pregnant woman is punishable by three to twelve years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 133. Trafficking in human beings

(1) Placing a person, for the purpose of gaining economic benefits or without it, in a situation where he or she is forced to marry, work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, and keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by one to seven years' imprisonment.

(2) The same act if:

- 1) committed against two or more persons;
- 2) committed against a person of less than eighteen years of age;
- 3) committed against a person in a helpless situation;
- 4) committed in a torturous or cruel manner;
- 5) serious health damage is caused thereby;
- 6) danger to life is caused thereby;
- 7) committed by a group;
- 8) committed by taking advantage of official position,
- 9) serious consequences are caused thereby;
- 10) committed by a person who has previously committed a criminal offence provided for in this section or §§ 133¹, 133², 133³ or 175;

is punishable by three to fifteen years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(3¹) In the case of any criminal offence provided for in this section, if committed by a person who has previously been punished for a crime provided for in this section or §§ 133¹, 133², 133³ or 175 of this Code, the sentence imposed shall not be suspended in full.

(4) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in subsection (1) of this section.

§ 141. Rape

(1) Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by one to six years' imprisonment.

(2) The same act:

- 1) if committed against a person of less than eighteen years of age;
- 2) if committed by a group;
- 3) if serious damage is thereby caused to the health of the victim;
- 4) it causes the death of the victim;
- 5) it leads the victim to suicide or a suicide attempt; or
- 6) if committed by a person who has previously committed a criminal offence provided in this Division; or

7) if committed by the offender by taking advantage of the situation caused to the victim by means of narcotic or psychotropic substances in which the person is not capable of initiating resistance or comprehending the situation is punishable by six to fifteen years' imprisonment.

(2¹) An act provided for in subsection (2) of this section, if committed by a person who has previously been punished:

- 1) for a criminal offence provided for in clause (2) 6) of this section;
- 2) for a criminal offence provided for in clause 141¹ (2) 6) of this code; or
- 3) at least twice for an intentional criminal offence in the first degree where serious health damage is the consequence which constitutes the necessary elements of an offence, shall be punished by six to fifteen years' imprisonment or life imprisonment.

(3) An act provided for in subsections (1), (2) or (2¹) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) For criminal offence provided for in clause (2) 1) of this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

§ 141¹. Act of sexual nature against will

(1) Commission of an act of sexual nature with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation and if it does not contain the necessary elements of an offence provided for in § 141 of this Code

is punishable by one to five years' imprisonment.

(2) The same act:

- 1) if committed against a person of less than eighteen years of age;
- 2) if committed by a group;
- 3) if serious damage is thereby caused to the health of the victim;
- 4) it causes the death of the victim;
- 5) it leads the victim to suicide or a suicide attempt; or
- 6) if committed by a person who has previously committed a criminal offence provided in this Division; or

7) if committed by the offender by taking advantage of the situation caused to the victim by means of narcotic or psychotropic substances in which the person is not capable of initiating resistance or comprehending the situation is punishable by three to fifteen years' imprisonment.

(3) An act provided for in subsection (2) of this section, if committed by a person who has previously been punished:

- 1) for a criminal offence provided for in clause (2) 6) of this section;
- 2) for a criminal offence provided for in clause 141 (2) 6) of this code; or
- 3) at least twice for an intentional criminal offence in the first degree which necessary elements of a

criminal offence include use of violence

is punishable by three to fifteen years' imprisonment or life imprisonment.

(4) An act provided for in subsections (1), (2) or (3) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(5) In the case of any criminal offence provided for in this section, if committed by a person who has previously been punished for a crime provided for in this Division, the sentence imposed shall not be suspended in full.

(6) For criminal offence provided for in clause (2) 1) of this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

§ 145. Sexual intercourse or other act of sexual nature with child

(1) Engagement in sexual intercourse or commission of another act of sexual nature by an adult person with a person of less than fourteen years of age is punishable by up to five years' imprisonment.

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division, is punishable by two to eight years' imprisonment.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3¹) In the case of any criminal offence provided for in this section, if committed by a person who has previously been punished for a crime provided for in this Division, the sentence imposed shall not be suspended in full.

(4) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

§ 153¹. Sexual harassment

(1) An intentional physical act of sexual nature against the will of another person committed against him or her with degrading objectives or consequences is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2,000 euros.

§ 157³. Harassing pursuit

(1) Repeated or consistent attempts to contact another person, watching him or her or interference in the privacy of another person against the will of such person in another manner, if the intent or effect thereof is to intimidate, humiliate the other person or disturb him or her in any other manner, if the act does not contain the necessary elements of an offence provided for in § 137 of this Code, is punishable by a pecuniary punishment or up to one year's imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 175. Human trafficking with respect to minors

(1) Influencing of a person of less than eighteen years of age, for the purpose of gaining economic benefits or without it, in order to cause him or her to commence or continue engagement in prostitution or commission of criminal offences, work under unusual conditions, beg or marry against his or her will or appear in pornographic or erotic performances or works if it does not contain the necessary elements of an offence provided for in § 133 of this Code, and aiding in other manner in the activities specified in this section of a person of less than eighteen years of age, is punishable by two to ten years' imprisonment.

(1¹) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 133-133³, § 175¹ or §§ 178-179, is punishable by three to ten years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3¹) In the case of any criminal offence provided for in this section, if committed by a person who has previously been punished for a crime provided for in this section or §§ 133, 133¹, 133², 133³, 175¹, 178, 178¹ or 179 of this Code, the sentence imposed shall not be suspended in full.

(3) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

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§ 37. Victim

(1) A victim is a natural or legal person whose legal rights have been directly violated by a criminal offence aimed at the person or by an unlawful act committed by a person not capable of guilt. In the case of an attempt to commit a criminal offence, a person is a victim even if, instead of the legal rights attacked, such legal rights are violated the violation of which is covered by the legal rights attacked. The state or another public authority is a victim only in the case it has a proprietary claim due to violation of its legal rights and the claim can be enforced in criminal proceedings. A natural person is a victim even in the case a criminal offence or an unlawful act committed by a person not capable of guilt caused the death of any person close to him or her and damage was caused to him or her as a result of the death.

(2) A victim who is a legal person shall participate in criminal proceedings through its legal representative, an employee authorised by the legal representative, a trustee in bankruptcy or a contractual representative and such person has all the rights and obligations of the victim. A legal representative or a trustee in bankruptcy of a victim who is a legal person has the right to give testimony in the name of the legal person.

(3) The provisions applicable to witnesses apply to victims in the performance of procedural acts unless otherwise prescribed by this Code.

(4) A person is joined to the proceedings as a victim by subjection to procedural acts or by a determination of the body conducting proceedings. A person may be joined to proceedings as a victim at any stage of the proceedings and in any court instance until termination of appeal proceedings. If it becomes evident that a person was joined to proceedings without basis or the person no longer corresponds to the concept of a victim due to changed circumstances, the person conducting the proceedings shall remove the person from the proceedings by the corresponding determination.

(5) If the body conducting pre-court proceedings denies the request for involvement of a person as a victim or removes a person joined to proceedings without basis as a victim, the victim shall be explained his or her right to submit an appeal against the determination of the body conducting the proceedings pursuant to the rules provided in § 228 of this Code. A person may apply for his or her joinder as a victim even by submitting an appeal against a court judgment.

§ 37¹. Victim's legal succession in proceedings

(1) If a victim who is a natural person dies or a victim who is a legal person is dissolved after filing of a civil action but before entry into force of the decision made thereon, the body conducting proceedings permits the universal successors of the victim to join proceedings as a third person. Universal succession is possible at any stage of proceedings.

(2) Universal successors of a victim shall have only the rights of the victim in connection with proceedings regarding civil actions.

(3) Any procedural acts performed prior to the joining of proceedings by a universal successor are binding on the universal successor to the same extent to which such acts would have been binding on the legal predecessor of the universal successor.

(4) If a victim who is a natural person dies or a victim who is a legal person is dissolved and the victim's universal successor is not known or identification thereof is impossible within a reasonable

period of time, a court shall dismiss the civil action.

§ 37². Assessment of individual protection needs of victim who is natural person

(1) The body conducting proceedings is obligated to assess whether any circumstances exist which give reason to believe that the victim who is a natural person requires special treatment and protection in criminal proceedings.

(2) The assessment shall take into consideration the victim's personal characteristics, the gravity and nature of the criminal offence, the personality of the suspect, the circumstances relating to the commission of the criminal offence and the damage caused to the victim. A victim who is a minor is presumed to need special treatment and protection in criminal proceedings.

(3) As a result of the assessment, a decision shall be made concerning which of the opportunities provided in this Code to use to ensure the safety of the victim and whether the questioning of with the victim should be conducted on premises adapted for the special needs of the victim, or by, or with the participation of, a specialist trained for questioning victims with special protection needs or, if possible, by the same person throughout the proceedings.

§ 38. Rights and obligations of victims

(1) A victim has the right to:

- 1) contest the refusal to commence, or termination of, criminal proceedings pursuant to the rules provided in §§ 207 and 208 of this Code;
- 2) file a civil action or proof of claim in public law through an investigative body or the Prosecutor's Office during the term provided for in subsection 225 (1) or clause 240 4) of this Code;
- 3) give or refuse to give testimony on the bases provided for in §§ 71-73 of this Code;
- 4) submit evidence;
- 5) submit requests and complaints;
- 6) examine the minutes of procedural acts and give statements on the conditions, course, results and minutes of the procedural acts, with such statements being recorded in the minutes;
- 7) examine the materials of the criminal file pursuant to the procedure provided for in § 224 of this Code;
- 8) participate in judicial hearing;
- 9) give consent to the application of settlement proceedings or to refuse to give such consent, to present an opinion concerning the charges and punishment and the amount of damage set out in the charges and the civil action or the proof of claim in public law;
- 10) give consent to the application of temporary restraining order and request application of restraining order pursuant to the procedure provided for in § 310¹ of this Code;
- 11) request that his or her questioning be conducted by a person of the same sex when it comes to sexual violence, gender violence or a criminal offence committed in close relationship, except if the questioning is conducted by a prosecutor or a judge or if this would interfere with the course of proceedings.

(2) A victim is required to:

- 1) appear when summoned by an investigative body, Prosecutor's Office or court;
- 2) participate in procedural acts and obey the directions of investigative bodies, the Prosecutor's Office and the courts.

(4) An investigative body or the Prosecutor's Office shall explain to the victim his or her rights, the procedure for filing a civil action, essential requirements for a civil action, term for filing a civil action and the consequences of allowing such term to expire, and the conditions and procedure for receipt of legal aid ensured by the state.

(5) A victim who is a natural person shall have the right to:

- 1) receive information concerning taking into custody of a person suspected of a criminal offence and request to be notified of release of the person held in custody in the event of any danger, except in the case communication of such information would cause any harm to the suspect;
- 2) request to be notified of the release of the convicted offender before the prescribed time or escape of the convicted offender from a custodial institution in the case the information can prevent danger to the victim;
- 3) have one person chosen by him or her to accompany him or her at any procedural acts unless the body conducting the proceedings has refused this with good reason.

4) apply for an opportunity to state an opinion on release on parole of an offender in the case of a criminal offence of the first degree provided for in Chapter 9 or 11 of the Penal Code;

5) express an opinion on the impact associated with the criminal offence on him or her and on taking of responsibility for the criminal offence.

(6) The person accompanying the victim at procedural acts on the basis of clause (5) 3) of this section shall be cautioned that disclosing information relating to proceedings is not permitted and interference in the course of the procedural acts is not permitted.

§ 38¹. Invocation of victim's claim in criminal proceedings

(1) The victim shall have the right to file a civil action against the suspect, accused or defendant which the court shall consider as part of the criminal proceedings. The victim may submit a claim by a civil action if:

1) the objective of the claim is to restore or remedy the well-being of the victim infringed by the act which is the subject matter of the criminal proceedings if the factual circumstances which are the basis for the claim overlap in substantial part with the circumstances under which the criminal offence that is being considered in the proceedings was committed and if such claim could also be considered in civil proceedings;

2) it is a claim for compensation for damage against a public authority which could be filed under administrative court procedure.

(2) A public authority may, in addition to the provisions of subsection (1) of this section, file as a victim a proof of claim in public law for determination of financial obligations in public law claimed from the accused, if the factual circumstances which are the basis for such obligation overlap in substantial part with the circumstances under which the criminal offence that is being considered in the proceedings was committed. A proof of claim in public law may be filed by an administrative authority who would be entitled to determine the same financial obligation under administrative procedure. The filing of a proof of claim in public law in criminal proceedings shall exclude invocation of the same claim in other proceedings, except in the case the application is dismissed in criminal proceedings.

(3) A civil action or proof of claim in public law is filed through an investigative body or Prosecutor's Office during the term provided for in subsection 225 (1) or clause 240 4) of this Code.

(3¹) If the state, local authority or another public authority has been joined to criminal proceedings as a victim and the representative thereof fails to file a civil action or proof of claim in public law during the term provided for in § 225 or clause 240 4) of this Code, the civil action or proof of claim in public law may be filed by the Prosecutor's Office instead of the state, local authority or other public authority.

(3²) If the state, local authority or another public authority has been joined to criminal proceedings as a victim and the representative thereof files a civil action or proof of claim in public law during the term provided for in § 225 or clause 240 4) of this Code in and it is manifest that the claim of the victim expressed therein is unreasonably small taking into consideration the harm caused by the criminal offence, is unproven or contains other significant deficiencies which may lead the court to reject or dismiss the civil action or proof of claim in public law, and the person who filed the civil action or proof of claim in public law fails to eliminate the deficiencies by the due date, the Prosecutor's Office may file a civil action or proof of claim in public law instead of the representative of the state, local authority or other public authority.

(3³) If the state, local authority or another public authority has been joined to criminal proceedings as a victim and the representative thereof withdraws the civil action or proof of claim in public law before the commencement of judicial hearing, the Prosecutor's Office may file the civil action or proof of claim in public law instead of the representative of the state, local authority or other public authority.

(3⁴) In the cases specified in subsections (3¹)-(3³) of this section, the Prosecutor's Office shall file a civil action or proof of claim in public law to the benefit of the state.

(4) Consideration of a civil action as part of criminal proceedings is exempt from state fees, with the exception of a civil action making a claim for compensation for non-proprietary damage, if the claim for compensation for non-pecuniary damage does not derive from the causing of a bodily injury or other health disorder or of the death of provider.

(5) The Republic of Estonia as a victim is exempted from payment of state fees upon filing of a civil action and proof of claim in public law.

(6) Resolution of any issues which are not regulated in this Code in relation to proceedings on the civil action shall be based on the provisions of the Code of Civil Procedure.

(7) Resolution of any issues which are not regulated in this Code in relation to proceedings on proofs of claim in public law shall be subject to the provisions of Chapter 26 of the Code of Administrative Court Procedure.

§ 70. Specifications concerning hearing of witnesses who are minors

(1) A body conducting proceedings may involve a child protection official, social worker, teacher or psychologist in the hearing of a witness who is a minor.

(2) If a body conducting proceedings has not received appropriate training, involvement of a child protection official, social worker, teacher or psychologist in the hearing of a minor is mandatory if:

- 1) the witness is up to ten years of age and repeated hearing may have a harmful effect on the mind of a minor;
- 2) the witness is up to fourteen years of age and the hearing is related to domestic violence or sexual abuse;
- 3) the witness is with speech impairments, sensory or learning disabilities or mental disorders.

(3) If necessary, the hearing of minors is video recorded. In the case specified in subsection (2) of this section, the hearing of minors is video recorded if the intention is to use such hearing as evidence in judicial proceedings because hearing of a minor directly in a court is impossible due to his or her age or mental state.

(4) A suspect has the right to examine during the pre-court proceedings the video recordings specified in (3) of this section. The suspect or a counsel has the right to submit questions to witnesses during five days after the examining. The Prosecutor's Office shall consider a request within five days as of the receipt thereof. Denial of a request shall be formalised by an order a copy of which shall be communicated to the person who submitted the request. The fact that the request was denied shall not prevent re-submission of the request in accordance with the rules in section 225 of this Code or in judicial proceedings.

§ 193. Commencement of criminal proceedings

(1) The investigative body or the Prosecutor's Office commences criminal proceedings by the first investigative activity or other procedural act if a reason and grounds for commencement are present and if the circumstances provided in subsection 1 of section 199 of this Code are absent.

(2) If criminal proceedings are commenced by an investigative body, the body shall immediately notify the Prosecutor's Office of the commencement of proceedings.

(3) If criminal proceedings are commenced by the Prosecutor's Office, the Office shall transmit the materials of the criminal matter in accordance with investigative jurisdiction.

§ 199. Circumstances precluding criminal proceedings

(1) Criminal proceedings shall not be commenced if:

- 1) no grounds for criminal proceedings are present;
- 2) the limitation period for the criminal offence has expired;
- 3) an amnesty precludes imposition of a punishment;
- 4) the suspect or accused is dead or the suspect or accused who is a legal person has been dissolved;
- 5) a decision or an order on termination of criminal proceedings has entered into force in respect of the person on the same charges on the grounds provided for in § 200 of this Code;
- 6) a suspect or accused is terminally ill and is therefore unable to participate in the criminal proceedings or serve a sentence;
- 7) these criminal offences are specified in §§ 414, 415, 418 and 418¹ of the Penal Code and the person voluntarily surrenders the firearms, explosive devices in illegal possession or the substantial part, ammunition or explosive thereof;
- 8) criminal proceedings are concentrated in another state on the basis provided for in §§ 436¹-436⁶ of this Code.

(2) Criminal proceedings shall not be commenced if detention of the suspect is substituted for pursuant to § 219 of this Code.

(3) Criminal proceedings shall be continued if this is requested for the purposes of rehabilitation by:

-
- 1) a suspect or accused in the cases provided in clause 2 or 3 of subsection 1 of this section;
 - 2) the representative of a deceased suspect or accused in the case provided in clause 4 of subsection 1 of this section;
 - 3) a suspect, accused or his or her representative in the case provided in clause 6 of subsection 1 of this section.

§ 200. Termination of criminal proceedings on circumstances being revealed which preclude criminal proceedings

If circumstances specified in § 199 of this Code which preclude criminal proceedings are revealed in pre-court proceedings, the proceedings shall be terminated on the basis of the corresponding order of the investigative body with the permission of the Prosecutor's Office, or by order of the Prosecutor's Office.

§ 200¹. Termination of criminal proceedings on account of impossibility to identify the person who committed the criminal offence

(1) If, in pre-court proceedings, the person who committed the criminal offence has not been identified and it is impossible to collect additional evidence or the collection thereof is not reasonable, the proceedings shall be terminated on the basis of an order of the investigative body with the permission of the Prosecutor's Office or by an order of the Prosecutor's Office. The proceedings may also be terminated partially in respect of a suspect or a criminal offence.

(2) Where the bases prescribed in subsection (1) cease to exist, proceedings shall be resumed pursuant to the procedure prescribed in § 193 of this Code.

§ 201. Termination of criminal proceedings committed by minors

(1) If commencement of criminal proceedings is refused or criminal proceedings are terminated for the reason that the unlawful act was committed by a minor who was incapable of guilt on the grounds of his or her age, the investigative body or Prosecutor's Office shall explain to the minor or his or her legal representative the nature of the act with the elements of a criminal offence and the grounds for termination of criminal proceedings. The investigative body or Prosecutor's Office may send a notification and a copy of the materials of the criminal matter in the required scope to the local authority of the place of residence of the minor.

(2) If the Prosecutor's Office finds that a person who has committed a criminal offence when at least fourteen but less than eighteen years of age can be influenced without imposition of a punishment or a sanction prescribed in § 87 of the Penal Code, the Prosecutor's Office may terminate criminal proceedings, caution the person and assign, with the consent of the person, as appropriate, the following obligations:

- 1) 10-60 hours of community service;
- 2) indemnification and remedy for damage caused by the criminal offence;
- 3) social program;
- 4) addiction treatment or another treatment;
- 5) conciliation service;
- 6) other relevant obligations.

(3) The Prosecutor's Office shall determine pursuant to subsection (2) of this section a term for compliance with the obligations which shall not be longer than ten months. If the person fails to comply with the obligation imposed on the person during the determined term, the Prosecutor's Office may resume criminal proceedings by an order.

(4) Prior to termination of criminal proceedings pursuant to subsection (2) of this section, the nature of the act with the elements of the criminal offence and the grounds for termination of criminal proceedings have to be explained to the minor who committed the criminal offence and his or her legal representative. In the case the criminal proceedings against a minor are terminated pursuant to this section, the prosecutor may send a notification and a copy of the materials of the criminal matter in the required scope to the local authority of the place of residence of the minor.

§ 202. Termination of criminal proceedings in case of lack of public interest in proceedings and negligible guilt

(1) If the object of criminal proceedings is a criminal offence in the second degree and the guilt of the person suspected or accused of the offence is negligible, and he or she has remedied or has commenced to remedy the damage caused by the criminal offence or has paid the expenses relating to criminal proceedings, or assumed the obligation to pay such expenses, and there is no public interest in the continuation of the proceedings, the Prosecutor's Office may request, with the consent of the suspect or accused, that the court terminate the proceedings.

(2) In the event of termination of criminal proceedings, the court may impose the following obligation on the suspect or accused at the request of the Prosecutor's Office and with the consent of the suspect or accused within the specified term:

- 1) to pay the expenses relating to the proceedings or compensate for the damage caused by the criminal offence;
- 2) to pay a fixed amount into the public revenues or to be used for specific purposes in the interest of the public;
- 3) to perform 10-240 hours of community service. The provisions in the second sentence of subsections 69 (2) and (4) and subsection (5) of the Penal Code apply to community service;
- 4) to undergo the prescribed treatment;
- 4¹) not to use narcotic drugs or psychotropic substances or alcohol;
- 5) to participate in a social programme.
- 6) to submit to surveillance of compliance with prohibition on consumption of alcohol by an electronic device provided for in subsection 75¹ (1) of the Penal Code;
- 7) to comply with other relevant obligations.

(3) The term for fulfilment of the obligations listed in clauses (2) 1)-3) and 6) of this section shall not be longer than six months. The term for fulfilment of the obligations specified in clauses (2) 4)-5) of this section shall not be longer than eighteen months.

(4) A request of the Prosecutor's Office shall be resolved by an order of a judge sitting alone. If necessary, the prosecutor and the suspect or accused and, at the request of the suspect or accused, also the counsel shall be summoned to the judge for the resolution of the request of the Prosecutor's Office.

(5) If a judge does not consent to the request submitted by the Prosecutor's Office, he or she shall, by order, return the criminal matter for continuation of proceedings.

(6) If a person with regard to whom criminal proceedings have been terminated in accordance with subsection (2) of this section fails to perform the obligation imposed on him or her, a court, at the request of the Prosecutor's Office, shall resume the proceedings by an order. In imposition of a punishment, the part of the obligations performed by the person shall be taken into consideration.

(7) If the object of criminal proceedings is a criminal offence in the second degree for which the minimum rate of imprisonment is not prescribed as punishment or only a pecuniary punishment is prescribed as punishment by the Special Part of the Penal Code, the Prosecutor's Office may terminate the proceedings and impose the obligations on the bases provided for in subsections (1) and (2) of this section. The Prosecutor's Office may resume terminated criminal proceedings by an order on the bases provided for in subsection (6) of this section.

§ 203. Termination of criminal proceedings due to lack of proportionality of punishment

(1) If the object of criminal proceedings is a criminal offence in the second degree, the Prosecutor's Office may request termination of the proceedings by a court with the consent of the suspect or accused and the victim if:

- 1) the punishment to be imposed for the criminal offence would be negligible compared to the punishment which has been or presumably will be imposed on the suspect or accused for the commission of another criminal offence;
- 2) imposition of a punishment for the criminal offence cannot be expected during a reasonable period of time and the punishment which has been or presumably will be imposed on the suspect or accused for the commission of another criminal offence is sufficient to achieve the objectives of the punishment and satisfy the public interest in the proceedings.

(1¹) If the person suspected or accused of commission of a criminal offence provided for in Division 1 of Chapter 12 of the Penal Code may be influenced not to commit offences in the future by treatment of the addiction disorder or keeping this disorder under control, the prosecutor's office may apply, with the consent of the suspected or accused, for termination of criminal proceedings by the court provided

that the person is sent to medical treatment or the disorder is kept under control in any other manner. The court may impose obligations on the suspect or accused in accordance with the provisions of subsections 202 (2) and (3) of this Code.

(2) A request of the Prosecutor's Office shall be resolved by order of a single judge. If necessary, the prosecutor and the suspect or accused and, at the request of the suspect or accused, also the counsel shall be summoned to the judge for resolving the request of the Prosecutor's Office.

(3) If a judge does not consent to the request submitted by the Prosecutor's Office, he or she shall, by order, return the criminal matter for continuation of proceedings.

(4) If criminal proceedings were terminated taking into consideration a punishment imposed on the suspect or accused for another criminal offence and the punishment is subsequently annulled, the court may, at the request of the Prosecutor's Office, resume the proceedings by an order.

(5) If criminal proceedings were terminated taking into consideration a punishment which will presumably be imposed on the suspect or accused for another criminal offence, the court may, at the request of the Prosecutor's Office, resume the proceedings if the punishment imposed does not meet the criteria specified in clauses (1) 1) and 2) of this section.

(5¹) If criminal proceedings were terminated on the conditions provided for in subsection (1¹) of this section, the court may, by order, resume such proceedings at the request of the Prosecutor's Office if the person fails to perform the obligations imposed on him or her, withdraws his or her consent, or evades the treatment, or if the treatment is discontinued with a doctor's recommendation.

(6) If the object of criminal proceedings is a criminal offence in the second degree for which the minimum rate of imprisonment is not prescribed as punishment or only a pecuniary punishment is prescribed as punishment by the Special Part of the Penal Code, the Prosecutor's Office may terminate the proceedings on the bases provided for in subsection (1) of this section. The Prosecutor's Office may resume terminated proceedings by an order on the bases provided for in subsections (4) and (5) of this section.

§ 203¹. Termination of criminal proceedings on the basis of conciliation

(1) If facts relating to a criminal offence in the second degree which is the object of criminal proceedings are obvious and there is no public interest in the continuation of the proceedings and the suspect or accused has reconciled with the victim in accordance with the rules provided in section 203² of this Code, the Prosecutor's Office may request termination of the criminal proceedings by a court with the consent of the suspect or accused and the victim. Termination of criminal proceedings is not permitted:

- 1) in the criminal offences specified in §§ 133¹, 133², 134, 138-139, 141¹ and 143 and in the criminal offence specified in § 144 of the Penal Code, if the victim is under eighteen years of age;
- 2) in criminal offences committed against a victim who is less than fourteen years of age;
- 3) if the criminal offence resulted in the death of a person;
- 4) in crimes against humanity and international security, against the state, criminal official misconduct, crimes dangerous to the public and criminal offences directed against the administration of justice.

(2) A request of the Prosecutor's Office shall be resolved by an order of a judge sitting alone. If necessary, the conciliator, the prosecutor, the victim, the suspect or accused and, at the request of the suspect or accused, also the counsel shall be summoned to the judge for the resolution of the request of the Prosecutor's Office.

(3) In the case of termination of criminal proceedings, the court shall impose, at the request of the Prosecutor's Office and with the consent of the suspect or accused, the obligation to pay the expenses relating to the proceedings and to meet some or all of the conditions of the conciliation agreement provided for in subsection 203² (3) of this Code on the suspect or accused. The term for the performance of the obligation shall not exceed six months. A copy of the order shall be sent to the conciliator.

(4) If a judge does not consent to the request submitted by the Prosecutor's Office, he or she shall, by order, return the criminal matter for continuation of proceedings.

(5) If a person with regard to whom criminal proceedings have been terminated in accordance with subsection (1) of this section fails to perform the obligations imposed on him or her or commits another intentional criminal offence against the same victim within six months after termination of the proceedings, the court, at the request of the Prosecutor's Office, shall resume the criminal proceedings by its order.

(6) If the object of criminal proceedings is a criminal offence in the second degree for which the minimum rate of imprisonment is not prescribed as punishment or only a pecuniary punishment is prescribed as punishment by the Special Part of the Penal Code, the Prosecutor's Office may terminate the criminal proceedings and impose the obligations on the bases provided for in subsections (1) and (3) of this section. The Prosecutor's Office may resume terminated criminal proceedings by an order on the grounds specified in subsection (5) of this section.

(7) A victim has the right to file an appeal against an order on termination of criminal proceedings made on the basis of this section within ten days as of receipt of a copy of an order on termination of the criminal proceedings pursuant to the procedure provided for in §§ 228-232 or §§ 383-392 of this Code.

§ 203². Conciliation procedure

(1) The Prosecutor's Office or the court may, on the bases provided for in subsection 203¹ (1) of this Code, direct that the suspect or accused and the victim participate in a conciliation procedure with the objective of concluding an agreement on reconciliation of the suspect or accused with the victim and on remedying of the damage caused by the criminal offence. The consent of the suspect or accused and the victim is necessary for application of conciliation procedure. In the case of a minor or a person suffering from a mental disorder, the consent of his or her parent or another legal representative or guardian is also required.

(2) The Prosecutor's Office or court shall send the order on application of conciliation procedure to the conciliator for organisation of conciliation.

(3) A conciliator shall formalise the conciliation as a written conciliation agreement which shall be signed by the suspect or accused and the victim and the legal representative or guardian of a minor or a person suffering from a mental disorder. A conciliation agreement shall contain the procedure for and conditions of remedying of the damage caused by the criminal offence. A conciliation agreement may contain other conditions.

(4) A conciliator shall send a report with a description of the course of conciliation to the Prosecutor's Office. In the case of conciliation, a copy of the conciliation agreement shall be appended to the report.

(5) After the termination of the criminal proceedings, the conciliator shall verify whether or not the conditions of the conciliation agreement approved as an obligation pursuant to the rules provided in subsection 203¹ (3) of this Code are met. A conciliator has the right to request submission of information and documents for confirmation of the performance of the obligation. The conciliator shall notify the Prosecutor's Office of performance of the obligation failure to perform the obligation.

(6) A conciliator has the right, in performing his or her duties, to examine the materials of the criminal matter with the permission of and to the extent specified by the court. The conciliator shall maintain the confidentiality of facts which have become known to him or her in connection with conciliation proceedings. A court or the Prosecutor's Office may summon a conciliator for oral questioning in order to clarify the content of the agreement concluded under conciliation procedure.

§ 204. Termination of criminal proceedings concerning criminal offences committed by foreign citizens or in foreign states

(1) The Prosecutor's Office may terminate criminal proceedings by an order if:

- 1) the criminal offence was committed outside the territorial applicability of this Code;
- 2) the criminal offence was committed by a foreign citizen on board a foreign ship or aircraft located in the territory of the Republic of Estonia;
- 3) an accomplice to the criminal offence committed the criminal offence in the territory of the Republic of Estonia but the consequences of the criminal offence occurred outside the territorial applicability of this Code;
- 4) a decision concerning extradition of the alleged criminal offender to a foreign state has been made.

(2) The Prosecutor's Office may, by an order, terminate criminal proceedings concerning a criminal offence which was committed in a foreign state but the consequences of which occurred in the territory of the Republic of Estonia if the proceedings may result in serious consequences for the Republic of Estonia or are in conflict with other public interests.

(3) Termination of criminal proceedings on the basis of the nation's economic interests, interests in the field of foreign policy or other considerations is not permitted if this would be contrary to an international agreement binding on Estonia.

§ 205. Termination of criminal proceedings in connection with assistance received from person upon ascertaining facts relating to subject of proof

(1) The Office of the Prosecutor General may, by its order, terminate criminal proceedings with regard to a person suspected or accused with his or her consent if the suspect or accused has significantly facilitated the ascertaining of facts relating to a subject of proof of a criminal offence which is important from the point of view of public interest in the proceedings and if, without the assistance, detection of the criminal offence and taking of evidence would have been precluded or especially complicated.

(2) The Office of the Prosecutor General may, by its order, resume proceedings if the suspect or accused has discontinued facilitating the ascertaining of facts relating to a subject of proof of a criminal offence or if he or she has intentionally committed a new criminal offence within three years after termination of the proceedings.

§ 205². Termination of criminal proceedings in connection with lapse of reasonable time of proceedings

If it becomes evident in pre-court proceedings that the criminal matter cannot be resolved within a reasonable time, the Office of the Prosecutor General may terminate the criminal proceedings by an order with the consent of the suspect taking into account the gravity of the criminal offence, complexity and extent of the criminal matter, the hitherto course of criminal proceedings and other circumstances.

§ 207. Contestation of refusal to commence or of termination of criminal proceedings before the Office of Prosecutor General

(1) A victim may file an appeal with the Prosecutor's Office on the bases provided for in subsection 199 (1) or (2) of this Code against refusal to commence criminal proceedings.

(2) A victim may file an appeal with the Office of the Prosecutor General against termination of criminal proceedings or denial of an appeal provided for in subsection (1) of this section by the Prosecutor's Office.

(3) An appeal specified in subsection (1) or (2) of this section may be filed within ten days as of receipt of a notice on refusal to commence criminal proceedings, a copy of the order prepared by the Prosecutor's Office to resolve the appeal or a copy of the reasoned order on termination of the criminal proceedings.

(4) The Prosecutor's Office shall resolve an appeal specified in subsection (1) of this section within fifteen days as of receipt of the appeal. The Office of the Prosecutor General shall resolve an appeal specified in subsection (2) of this section within one month as of receipt of the appeal.

(5) The Prosecutor's Office or the Office of the Prosecutor General shall prepare a reasoned order on denial of an appeal and shall send a copy of the order to the appellant.

Code of Civil Procedure

<https://www.riigiteataja.ee/en/eli/504032021001/consolide>

§ 544. Application of restraining order and other measures for protection of personality rights

(1) In order to protect the private life of a person or other personality rights, the court may apply a restraining order or other measures based on § 1055 of the Law of Obligations Act. Such measures may be applied with a term of up to three years.

(2) If the court conducts proceedings in the case of application of measures in order to protect a personality right in connection with a family relationship, the provisions of law concerning family

matters dealt with under the rules for actions by petition additionally apply, unless otherwise provided by this Chapter.

(3) The court may also deal with the matter specified in subsection 1 of this section under the rules for actions by claim if it is to be adjudicated together with another court claim or if this is requested by the claimant.

§ 551. Application of interim protection of a right

(1) When conducting proceedings in a family matter dealt with under the rules for actions by petition, the court may apply, based on a request or at the initiative of the court, measures for interim protection of the claim as a measure of interim protection of a right.

(2) Before applying interim protection of a right in relation to a minor, the court shall obtain the opinion of the rural municipality or city government of the minor's residence, unless the resulting delay would clearly harm the interests of the minor. If a measure was applied without obtaining the opinion of the rural municipality or city government, such opinion must be obtained at the earliest opportunity.

(3) Upon application of measures for interim protection of the claim as a measure of interim protection of a right the court takes account of whether a parent has been violent towards a child or the other parent.

§ 552. Cooperation with rural municipality and city governments

(1) Where, pursuant to law, participation of a rural municipality or city government is necessary, the court informs such authority of the proceedings. Unless otherwise provided by law, the court informs a rural municipality or city government of the proceedings and circumstances related thereto also in other cases where knowledge of such circumstances is clearly necessary to the rural municipality or city government for the performance of its duties.

(2) In proceedings pertaining to minors or guardianship, the court obtains the position of a rural municipality or city government and sends the rural municipality or city government transcripts of the orders whereby the proceedings are terminated.

§ 558. Hearing of parents

(1) In a proceeding pertaining to the rights of a parent to a child, the court also hears the parents. As regards the personal rights of the parents, the court hears the parents in person. If a proceeding is conducted in the matter of endangerment of the welfare of a child, the court hears the parents in person and discusses the protection of the child's interests with them. Upon organising the hearing of the parents, the court takes account of whether a parent has been violent towards a child or the other parent.

(2) The court need not hear a parent who has no parental rights or whose children have been placed under guardianship if hearing the parent clearly does not contribute to resolving the matter or clarification of the circumstances.

(3) The court need not hear the parents if the resulting delay would clearly present a danger to the interests of the child.

§ 561. Resolution of matter by settlement

(1) In a proceeding pertaining to a child, the court shall try, as early as possible and at each stage of the proceeding, to steer the parties towards settling the matter by agreement. The court shall hear the parties as early as possible and draw their attention to the possibility to seek the assistance of a family counsellor and above all, for forming a common position on taking care of and assuming responsibility for the child. When steering the parties towards settling the matter by agreement or drawing their attention to the possibility to seek the assistance of a family counsellor, the court takes account of whether a parent has been violent towards a child or the other parent.

(2) The court may suspend proceedings pertaining to a child if this does not result in a delay which might endanger the interests of the child and the parties agree to participate in extra-judicial counselling or if, in the court's opinion, there are prospects to resolve the matter by settlement between the persons concerned due to another reason.

§ 563. Conciliation procedure in case of violation of order regulating access to child or agreement

(1) If a parent informs the court that the other parent violates a court order regulating access to the child or an agreement entered into in a notarially authenticated format or hinders compliance therewith, the court summons, based on a petition by a parent, the parents to appear before the court in order to resolve the conflict pertaining to the child by mutual agreement. The court is not required to summon the parents if the conciliation procedure or subsequent extra-judicial counselling have already been tried but have been unsuccessful.

(2) The court also conducts proceedings provided in this section on the basis of a petition by a parent if the parents have agreed on an arrangement on access to the child otherwise than in a notarially authenticated format and earlier this arrangement has been operative for a longer period of time and such arrangement of access to the child generally complies with the usual reasonable arrangement.

(3) The court summons the parents in person and explains the potential legal consequences of failure to appear. Where necessary, the court also summons a representative of a rural municipality or city government to be present at the conference held to resolve the conflict.

(4) The court discusses with the parents the consequences of the inability to access the child on the welfare of the child and draws their attention to potential coercive measures for compliance with the order or agreement. The court also draws their attention to the potential restriction or deprivation of the right of access and to the fact that they have an opportunity to seek the guidance of a family counsellor.

(5) The court shall try to reach an agreement between the parents concerning access to the child.

(6) If the parents agree on an arrangement concerning access to the child which differs from the arrangement provided by the court order or an earlier agreement and this is not contrary to the interests of the child, the agreement is recorded as a judicial compromise and the court approves it by an order substituting for the former order or agreement.

(7) If an agreement on regulating access is not reached in court or subsequently in family counselling, or if one of the parents fails to appear before the court or refuses to use the opportunity of seeking the guidance of a family counsellor, the court makes an order whereby it declares the failure of the conciliation proceedings and determines:

- 1) the coercive measures which are to be applied;
- 2) the extent to which the order or agreement on access must be amended;
- 3) the changes which need to be made in the parents' rights to the child.

(8) In order to ensure compliance with and eliminate the violation of a court order or agreement regulating access to a child, enforcement proceedings may be conducted only based on the order containing the provisions of clause (7) 1) of this section unless otherwise provided by law.

(9) The court conducts the proceedings specified in this section within 60 days following the filing of the corresponding petition.

Law Enforcement Act

<https://www.riigiteataja.ee/en/eli/503032021003/consolide>

§ 44. Prohibition on stay

(1) The police or, in the cases provided by law, another law enforcement agency may, on a temporary basis, prohibit a person from staying in the vicinity of a certain person or in a certain place, require him or her to leave the vicinity of the said person or the said place, or to avoid coming to a certain distance from the person or place in the following cases:

- 1) in the case of an immediate threat endangering a person's life or health;
- 2) for protecting dominant public interests;
- 3) for ascertaining or countering a serious threat;
- 4) for ensuring the safety of a safeguarded person or object;
- 5) for ensuring the conduct of offence proceedings; or
- 6) for ensuring the application of a state supervision measure.

(2) A law enforcement agency shall be required to clearly mark, if possible, the place of the application of a prohibition on stay. The place of the application of the prohibition on stay need not be marked if the prohibition on stay is applied with regard to a specific person.

(3) Under the circumstances provided for in subsection (1) of this section, the passage of persons at a specified time from a specified place or access to that place may be prohibited. If possible, access of a person to his or her dwelling or place of work shall be maintained.

(4) A prohibition on stay may be applied until the basis provided for in subsection (1) of this section ceases to exist.

(5) A police officer or, in the cases provided by law, an official of another law enforcement agency may apply a prohibition on stay for up to 12 hours. A prohibition on stay may only be applied over 12 hours with the authorisation of a prefect or the head of the other law enforcement agency.

(6) With regard to a person violating a prohibition on stay, direct coercion may be used insofar as it is unavoidable for the achievement of the objective

Aliens' Act

<https://www.riigiteataja.ee/en/eli/521072020002/consolide>

§ 161. Specifications of requirements for residence permit issued to settle with close relative

If an alien who has been issued a temporary residence permit to settle with his or her close relative and the basis or grounds for the issue of the residence permit have ceased to exist but the obligation of an alien to leave Estonia would be clearly too burdensome for him or her, the alien may be issued a temporary residence permit for settling permanently in Estonia without applying the provisions of § 210¹ and § 210² of this Act.

§ 203. Cases of temporary residence permits issued for participation in criminal proceedings

(1) An alien may be issued a temporary residence permit for participation in criminal proceedings for assistance in the ascertaining of the facts of the subject of proof of a criminal offence if:

1) he or she is a victim or a witness in a criminal procedure, the object of which is a criminal offence provided for in §§ 133-133 3, §§ 138-140, § 145¹, § 175 or clause 260¹ (1) 3) or 5) of the Penal Code;

5) an alien has been issued a temporary residence permit to settle with his or her spouse and their marriage ends before three years have passed as of the issue of the residence permit and he or she is a victim in a criminal procedure the object of which is a criminal offence provided for in clauses 121 (2) 2) or § 141 of the Penal Code.

(2) In case of the issue of a temporary residence permit for participation in criminal proceedings the victim or witness specified in subsection (1) of this section shall have previously facilitated the ascertaining of facts relating to the subject of proof of a criminal offence or has given consent for doing so and has broken off all the relations with the persons who are being suspected or accused of committing the respective offence.

§ 210². Additional conditions of granting temporary residence permit issued for settling permanently in Estonia

(1) The additional conditions of the issue of temporary residence permit for settling permanently in Estonia are:

1) an alien has resided in Estonia for at least three years during five consecutive years; 2) an alien has adapted well in Estonia and

3) the current activities of an alien have been so far in compliance with the purpose and conditions of the issue of a residence permit thereto.

(3) The conditions provided for in clause (1) 1) of this Act shall not be applied to an alien who has held the Estonian temporary residence permit or right of residence but who has been taken during the period of validity of the residence permit or right of residence to another state for the purpose of forced marriage and as a result has lost the Estonian residence permit or right of residence.

§ 210³. Derogation from purpose and conditions of granting temporary residence permit issued for settling permanently in Estonia

(1) By way of derogation from the purpose provided for in § 210¹ of this Act in exceptional circumstances an alien may be granted a temporary residence permit issued for settling permanently in Estonia if the alien is staying in Estonia and in the course of the proceedings concerning the entry of an alien into Estonia, his or her temporary stay, residence and employment in Estonia and the obligation to leave Estonia of an alien it has become evident that it would be clearly unduly burdensome to him or her, the alien lacks the possibility of getting the residence permit in Estonia on another basis and the alien does not constitute a threat to public order and national security.

(2) The decision on granting a temporary residence permit by way of derogation specified in subsection (1) of this section shall be substantiated and shall also note the considerations on which the making of the decision was based.

Victim Support Act

<https://www.riigiteataja.ee/en/eli/513052020004/consolide>

Child Protection Act

<https://www.riigiteataja.ee/en/eli/511012019009/consolide>

Gender Equality Act

<https://www.riigiteataja.ee/en/eli/516012019002/consolide>

State-funded Legal Aid Act

<https://www.riigiteataja.ee/en/eli/531122020001/consolide>

Family Law Act

<https://www.riigiteataja.ee/en/eli/513112020002/consolide>

Social Welfare Act

<https://www.riigiteataja.ee/en/eli/522122020003/consolide>

Compensation for Damage Caused in Offence Proceedings Act

<https://www.riigiteataja.ee/en/eli/522122014001/consolide>