



GREVIO

Baseline Evaluation Report Estonia

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



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
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
(Istanbul Convention)

ESTONIA

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

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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Estonia. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Last, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

In addition, GREVIO also collects information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of Estonia, GREVIO received written contributions from the Women's Support and Information Centre.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Estonia. Where available, significant legislative and policy developments up until 24 June 2022 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures of implementation taken by the Estonian authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (“the Istanbul Convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and meetings between the GREVIO delegation and relevant stakeholders held over the course of a five-day evaluation visit to Estonia. A list of the bodies and entities with which GREVIO had exchanges can be found in Appendix II.

The report highlights a number of positive legal and policy measures that have been taken by the Estonian authorities which demonstrate their clear commitment to eliminate gender-based violence against women. GREVIO notes with satisfaction the significant progress made by the Estonian authorities towards bringing the country’s legal framework in line with the Istanbul Convention in the field of prevention of domestic violence. The Estonian Penal Code was amended in 2017 to criminalise new forms of violence against women, including stalking, female genital mutilation (FGM) and forced marriage. Such legislative efforts have been accompanied by the adoption of a strategic document, the Violence Prevention Agreement covering the years 2021-2025, which identifies domestic and sexual violence as priority areas as well as some forms of violence against women in its digital dimension. Since 2002, a network of support services for victims of domestic violence has been developed in close co-operation with NGOs, providing temporary safe accommodation and specialist services for victims of violence against women in every county. In 2016, sexual assault centres were established to provide free, specialist support services in line with the requirements of the Istanbul Convention and on the basis of a victim-centred and gendered approach to victims of sexual violence.

In addition, a well-established system of data collection across the law-enforcement and justice sector allows the tracking of cases involving violence against women and particularly domestic violence through all stages of the law-enforcement and judicial “chain”. In GREVIO’s view, the Estonian authorities must make use of this data collection model to analyse the efficiency of the institutional and judicial response to violence. Various initiatives were taken to involve the media and private sector in the fight against violence against women, ranging from joint awareness-raising activities to setting up competitions to encourage the development of technological solutions which would aid the authorities in the investigation of domestic violence cases.

While acknowledging the positive developments in the area of criminal legislation, the Estonian Criminal Code still defines rape based on the use of force or the resistance of the victim. The report also points out that less policy attention and funding is directed towards forms of violence beyond domestic violence. Although some measures for preventing and combating certain forms of violence such as domestic and to a certain degree sexual violence have been taken, they do not cover all forms of violence and it is unclear to what extent they cover each of the pillars of the convention. Hence, the report stresses the need for Estonia to respond to all forms of violence in a holistic manner. The adoption of a new comprehensive strategic document which covers all forms of violence against women is essential to achieving this goal.

GREVIO has observed other issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention. While the definitions of violence against women and domestic violence in legal and policy documents comply with the Istanbul Convention, more emphasis should be placed on gendered differences in the experience of all forms of violence against women with a view to addressing their root causes, including the inequality between women and men, women's socio-economic discrimination and unequal status in society compared to that of men, negative gender stereotypes and sexist attitudes that affect and disadvantage women in daily life. Accordingly, training and awareness-raising efforts should address the different forms of violence against women, including domestic violence, as a gendered phenomenon.

Moreover, training requirements in relation to forms of violence such as sexual violence, stalking, psychological violence and sexual harassment, as well as the rights and needs of victims and secondary victimisation, do not seem to exist. Mandatory training on all forms of violence against women seems to be an exception instead of the norm with respect to key groups of professionals involved in preventing and combating violence against women, notably law enforcement officials, judges and prosecutors as well as social workers. In GREVIO's view, this accounts for the difficulties that persist in providing an adequate response to all forms of violence against women, which are exacerbated by the absence of binding guidelines and protocols on forms of violence other than domestic violence. Such standards form the basis of a holistic response to violence against women by first responders such as the police, healthcare professionals and social workers, which must involve the referral of victims to specialist support services.

The report also highlights the need for a stronger criminal justice response to all forms of violence against women and expresses concern over the frequent application of probationary measures and alternative sanctions by prosecutors in relation to several forms of violence against women, including domestic violence.

While GREVIO welcomes Estonia's ratification of the Istanbul Convention and the efforts taken in its implementation, it has identified a number of priority issues requiring further action by the Estonian authorities to comply fully with the convention's provisions. Drawing from the above and in addition thereto, these relate to the need to:

- ensure that measures taken by the Estonian authorities address all forms of violence against women, in a holistic and comprehensive fashion;
- provide for adequate specialist women's support services throughout the country for all forms of violence against women covered by the Istanbul Convention – forced marriage, stalking, sexual harassment, forced sterilisation and forced abortion;
- provide the co-ordinating body with clear mandates to ensure, on the one hand, the co-ordination and implementation of policies and measures, and on the other hand, their independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies;
- ensure systematic and mandatory initial and in-service training, incorporating a gender approach, for all relevant professionals who deal with victims and/or perpetrators of all forms of violence covered by the convention;
- ensure that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority the competent authorities are required to consider all issues relating to violence against women and domestic violence;
- fully incorporate the notion of freely given consent as required by Article 36 of the Istanbul Convention to all sexual offences contained in the Estonian Penal Code;
- strengthen the criminal justice response to all forms of violence against women by swiftly identifying and addressing the factors which contribute to attrition in cases of rape, domestic violence and any other forms of violence against women.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among other things, to ensuring the establishment of voluntary perpetrator programmes and their evaluation, in close co-operation with women's specialist support services. Efforts must also be stepped up to ensure the implementation of a multi-agency approach to ensuring the protection and safety of all victims. Effective enforcement of the due diligence obligation and the implementation of civil and disciplinary measures to hold state officials accountable for failure to comply with this obligation must also be strengthened.

Introduction

Estonia ratified the Istanbul Convention on 26 October 2017 without any reservations.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Estonia by letter and transmission of its questionnaire on 16 October 2020. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Estonian authorities subsequently submitted their state report on 30 April 2021. Following a preliminary examination of the country state report, GREVIO carried out an evaluation visit to Estonia, which took place from 14 to 18 February 2022. The delegation was composed of:

- Sabine Kräuter-Stockton, Member of GREVIO
- Vladimer Mkervalishvili, Member of GREVIO
- Elif Sariaydin, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Anne Kruusement, Adviser at the Penal Law and Procedure Division of the Ministry of Justice, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure and for the constructive approach adopted by the Estonian authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Estonian authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. Since 2010, Estonia has adopted three strategic documents on the prevention of violence, all of which have a dedicated section on domestic violence. GREVIO welcomes the special attention paid by the Development Plan for Reducing Violence for the period 2010-2014 to the work of the Ad Hoc Committee for Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) during the negotiations on the Istanbul Convention, and the explicit reference made by the two subsequent policy documents to the adopted convention.² The current nationwide strategic document (Violence Prevention Agreement) covering the period 2021-2025 identifies domestic and sexual violence as priority areas while also touching upon certain forms of violence against women in its digital dimension.

3. Progress has also been made in relation to the legal framework. For example, in 2015, Article 121 of the Estonian Penal Code concerning physical abuse was amended to entail a harsher sentence for when the offence is committed in a close relationship. GREVIO further notes with satisfaction that following the ratification of the convention more efforts have been made by the Estonian authorities to bring legislation in line with the requirements of the convention. The Penal Code was, for instance, amended in 2017 to criminalise stalking, female genital mutilation (FGM) and forced marriage. As regards the legislative framework, GREVIO also notes that under the Estonian Constitution, the Istanbul Convention takes precedence over national laws, thus prevailing over any contrary statute.³ As regards the measures adopted to ensure that the convention will continue to apply in situations of armed conflict, Estonia adopted the third national action plan for the implementation of the UN Security Council Resolution 1325 on Women and Peace and Security for the period 2020-2025.

4. On 27 September 2018, the Estonian Government issued a memorandum for the protection of victims of intimate partner violence which included the Governmental Action Plan for Preventing Domestic Violence covering the period 2019-2023. The action plan sets out the tasks of various state bodies and identifies indicators for the achievement of five cross-cutting objectives which fall under the four pillars of the Istanbul Convention namely providing support and protection to victims of intimate partner violence, promoting perpetrator accountability, increasing the knowledge and skills of professionals, improving specialist support services and regular monitoring of the measures taken.

2. The Strategy for Preventing Violence (2015-2020) and the Violence Prevention Agreement for the period 2021-2025, see:

www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf.

3. According to the Article 3 of the Estonian Constitution, universally recognised principles and norms of international law are an inseparable part of the Estonian legal system. Article 123 of the constitution further provides that if laws or other Estonian legislation contradict international treaties ratified by the Estonian Parliament (Riigikogu), the provisions of the international treaty will prevail.

5. While GREVIO welcomes the aforementioned legislative reform and policy developments as a demonstration of Estonia's commitment to the implementation of the Istanbul Convention, most initiatives and attention have focused on domestic violence (as the report shows in the sections below) and the measures addressing other forms of violence against women have yet to reach the same level of comprehensiveness.

6. GREVIO encourages the Estonian authorities to step up their efforts to adopt and implement a comprehensive set of policies to prevent and combat all forms of violence against women covered by the Istanbul Convention.

B. Scope of application of the convention and definitions (Articles 2 and 3)

7. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term "violence against women" refers to "all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life", whereas the expression "domestic violence" is to be understood as referring to "all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim". The definition of "gender-based violence against women" offered in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is "violence that is directed against a woman because she is a woman or that affects women disproportionately".

8. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim's gender is the primary motive. It is violence that is perpetrated against a woman that is both a cause and consequence of unequal power relations based on perceived differences between women and men that lead to women's subordinate status in the public and private spheres. In accordance with the definition given in Article 3*b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation (FGM), forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

9. In the Estonian legal framework, domestic violence is addressed from the perspective of violence in close relationships. While the current Violence Prevention Agreement does not offer a definition of violence in close relationships, GREVIO notes that the previous Strategy for Preventing Violence, which remained in force between 2015 and 2020, equates domestic violence with intimate partner violence and defines it in accordance with the Istanbul Convention as "all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether

or not the perpetrator shares or has shared the same residence with the victim”.⁴ Making a direct reference to the Istanbul Convention, this strategy also defines violence against women as “gender-based violence that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.⁵ On the other hand, the Violence Prevention Agreement currently in force seeks to highlight the areas where progress is needed, rather than providing a list of definitions or strategic actions to be taken.⁶ While GREVIO notes that the agreement acknowledges women and men experience violence differently and regards the promotion of gender equality as a prerequisite for preventing violence against women, it notes with regret that the set of measures prescribed in section 4 of the agreement on domestic violence does not distinguish the needs of women victims from those of other victims in their implementation. Indeed, the majority of the measures provided therein relate to child victims and witnesses of domestic violence. This is a missed opportunity to promote measures that take into account the gendered differences in the experience of certain forms of violence and to address their root causes on this basis.

10. GREVIO notes moreover that no other policy document currently in use nor existing legislation sets out common definitions of domestic violence or violence against women. The provision on physical abuse in the Estonian Penal Code prescribes an aggravated penalty when the offence is committed in a close relationship. However, it does not define the concept of a close relationship.

11. On the other hand, GREVIO welcomes the fact that in practice interventions by statutory agencies such as law enforcement and social services are mostly carried out with an understanding of the gendered nature of abusive relationship dynamics and their linkages with gender inequality and sexist attitudes in society. There are also a variety of support services provided by both state authorities and NGOs that are women-specific and that operate on a gendered understanding of intimate partner violence.

12. In light of the above, GREVIO welcomes the succession of policy documents on violence, but notes that these measures predominantly address domestic violence, and to a lesser extent sexual violence, sexual harassment and stalking. In this connection, GREVIO notes that currently in Estonia there are no policies, protocols or dedicated service provision existing for other forms of violence against women such as female genital mutilation, forced marriage and violence related to “honour”. While acknowledging the relative infrequency of reports concerning such forms of violence against women, GREVIO notes that they can affect women in Estonia who belong to national minorities and certain migrant communities, including those seeking asylum.⁷ While these forms of violence are addressed in Estonian criminal law, the Istanbul Convention requires a comprehensive approach that would complement a criminal justice response with policies, services and dedicated measures addressing each form of violence against women identified and defined by the Istanbul Convention.

13. Moreover, GREVIO notes the need to continue to address the different forms of violence against women, including domestic violence, as a gendered phenomenon. Sexual violence and rape, stalking, especially ex-partner stalking, sexual harassment and intimate

4. Strategy for Preventing Violence (2015-2020), p. 3, available at: www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf.

5. *Ibid.*

6. Violence Prevention Agreement for the period 2021-2025, p. 4, available at: www.just.ee/en/media/3012/download.

7. While receiving fewer asylum applications compared to other EU states, a significant share of asylum seekers come from Syria, Eritrea and Turkey, where female genital mutilation (FGM), forced marriage and/or violence related to “honour” are prevalent. For more information see UNHCR Estonia’s website: www.unhcr.org/neu/ee/.

partner violence are forms of violence that affect women disproportionately. The same applies to forced marriage, female genital mutilation and forced abortion/forced sterilisation. The historically unequal relationships between women and men have led to the domination of men over women and are among the root causes of violence against women. The driving motivation behind these forms of violence is power and control over a woman – her body, her mind, her economic situation, her sexuality or her reproductive functions. Therefore, in order to tackle the problem and its root causes effectively, it has to be acknowledged that violence against women is a violation of human rights and a form of discrimination against women. Legislation and policy in the implementation of the Istanbul Convention must be rooted in the definition of violence against women as gender-based violence that is directed against women because they are women or that affects women disproportionately.

14. GREVIO strongly encourages the Estonian authorities to ensure that all policy and legislative measures taken in the implementation of the Istanbul Convention reflect more clearly the notion that violence against women, including domestic violence, is gender-based violence directed against women because they are women or that affects them disproportionately.

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

15. In Estonia the prohibition of discrimination and the principle of equality are enshrined in the constitution, which states that everyone is equal before the law and no one shall be discriminated against on the grounds of sex.⁸ In 2004, Estonia enacted the Gender Equality Act which seeks to ensure the equal treatment of men and women as provided for in the constitution and to promote equality of men and women as a fundamental human right and in all areas of social life.

16. The Gender Equality Act established the Gender Equality Commissioner's institution, the mandate of which was expanded with the enactment of the Equal Treatment Act in 2009. The commissioner provides advice and assistance to people who submit individual complaints of discrimination on the grounds listed in the Gender Equality Act and the Equal Treatment Act.⁹ The commissioner also advises the authorities on draft legislation on issues related to equality. The Gender Equality Act also provides for the creation of a Gender Equality Council, which is an advisory body within the Ministry of Social Affairs on gender equality policies and strategies.

17. The Chancellor of Justice, an independent institution established by the constitution, can also examine certain issues related to women's rights as the chancellor has the power to review laws and regulations to ensure their conformity with the constitution and international conventions, and can refer cases to the Supreme Court. The chancellor can also receive and resolve complaints from individual citizens about violations of fundamental rights by public authorities or private bodies carrying out public functions.

18. Despite the existence of legal and institutional safeguards, GREVIO notes that women in Estonia continue to face the effects of structural gender inequality in all spheres of their lives. With a global score of 60.7 out of 100 points, Estonia ranked 18th on the Gender Equality Index among the 28 existing European Union member states at the time, scoring 7.2 points

8. Article 12 of the Estonian Constitution, available at:

www.constituteproject.org/constitution/Estonia_2015.pdf?lang=en.

9. The discrimination grounds in these two acts include sex, nationality, ethnic origin, race or skin colour, religion, views, age, disability or sexual orientation, being a parent or membership of a trade union.

below the EU average.¹⁰ In her report following her visit to Estonia in 2018, the Council of Europe Commissioner for Human Rights expressed concerns that persisting discriminatory stereotypes and prejudices about the traditional role of men and women in society continue to hinder women's full participation in public and economic life,¹¹ referring to the findings of a 2017 Eurobarometer survey on gender equality which showed that 70% of Estonian respondents agreed with the statement that "the most important role of a woman is to take care of her home and the family" (against a 44% average in the EU).¹²

2. Intersectional discrimination

19. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights as well as the list contained in its Protocol No. 12¹³ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.¹⁴

20. GREVIO notes with regret that the Violence Prevention Agreement does not contain specific measures targeting different groups of victims of violence who are or may be exposed to intersectional discrimination. It further notes the lack of research and statistics on violence against women who may be facing additional barriers to seeking help and support in relation to some or all of the forms of violence covered by the convention, such as women with disabilities, women with addiction issues and women from the Russian-speaking population.

21. Research indicates that women with addiction issues in Estonia have no access to psychosocial support, shelters or other protection or recovery measures despite having experienced repeated cases of gender-based violence.¹⁵ These victims are usually housed in rehabilitation centres for persons with addiction issues which are not designed to cater for their needs as victims of violence. Similarly, even though they do not face the same level of prejudice as women with addiction issues, women with disabilities also face barriers to accessing the majority of domestic violence shelters. GREVIO welcomes the efforts of the NGOs providing specialist services and shelter to find safe accommodation for women with disabilities when the need arises; however, it has received little information about measures taken by the authorities to address these shortcomings.

22. GREVIO notes with some concern that in north-eastern Estonia, where 82% of the population belong to the Russian-speaking minority, the domestic violence rate, according to national prevalence studies, is higher than the national average. Information on reporting mechanisms and support services is widely available in Russian throughout the entire country.

10. Gender Equality Index 2020: Estonia, available at:

https://eige.europa.eu/sites/default/files/documents/20203338_mhag20004enn_002.pdf.

11. Report of the commissioner following her visit to Estonia, 28 September 2018, available at: <https://rm.coe.int/report-of-the-council-of-europe-commissioner-for-human-rights-dunja-mi/16808d77f4>.

12. European Commission, Eurobarometer, Gender Equality Survey, 2017, available at:

<http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2154>.

13. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

14. See paragraphs 52-54 of the Explanatory Report to the Istanbul Convention.

15. Kontautaitė A. et al., "Study of human rights violations faced by women who use drugs in Estonia", *Harm Reduction Journal* 15, 54 (2018), available at: <https://doi.org/10.1186/s12954-018-0259-1>.

23. **GREVIO urges the Estonian authorities to:**

- a. **take measures to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination, including women with disabilities and women with addiction issues as well as women and girls from the Russian-speaking population in Estonia, by addressing the inequalities faced by these women;**
- b. **integrate the perspective of such women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's rights organisations representing them;**
- c. **mainstream preventing and combating violence against women in social inclusion programmes or other policy documents which aim to realise the rights and address the specific needs of women with disabilities, women with addiction issues, migrant women or women from national and/or ethnic minorities, including women from the Russian-speaking population;**
- d. **develop and improve accessibility to protection and support services for victims belonging to these groups of women.**

D. State obligations and due diligence (Article 5)

24. Article 5 of the convention enshrines the overarching principle of due diligence: states parties are under the obligation to organise their response to all forms of violence covered by the scope of the convention in a way that allows relevant authorities to diligently prevent, investigate, punish and provide reparation for such acts of violence, as well as to provide protection for victims. It is not an obligation of result, but an obligation of means. Failure to meet this obligation incurs state responsibility for an act otherwise solely attributed to a non-state actor. The realisation of the full potential of the due diligence standard relies on the ability of state institutions to invest in equally strong terms in all the required actions of prevention, investigation, punishment, reparation and protection, starting from the duty to transform patriarchal gender structures and values that perpetuate and entrench violence against women.¹⁶

25. According to Article 291¹ of the Estonian Penal Code, intentional unlawful decisions and acts as well as the failure of officials performing state supervision to take reasonable steps is punishable by a fine or up to five years' imprisonment, where such acts or omission cause damage to property or other serious consequences.¹⁷

26. The obligation of due diligence is particularly important when an incident of violence or the risk of it is reported to law-enforcement authorities. In accordance with Article 291¹ of the Penal Code, a review mechanism is available for the actions and omissions of the law-enforcement agencies. Accordingly, criminal complaints about the unlawful conduct of police officers are handled internally by an investigator, whose decision on the matter is subject to the supervision of the circuit prosecutor and the State Prosecutor's Office respectively. According to information provided by the authorities, four such cases have been handled by the prosecution services over the past 10 years, leading to serious consequences such as dismissal or salary reductions. However, GREVIO notes with concern that no such complaints have ever been made in relation to acts or omissions in the context of the duty to prevent violence against women and protect victims. It is also possible in the Estonian legal

16. "The due diligence standard as a tool for the elimination of violence against women", UN Special Rapporteur on violence against women, its causes and consequences, E/CN.4/2006/61, January 2006.

17. In the Estonian legal codification system, amendments to add new paragraphs to existing provisions are indicated with a superscript number. Therefore, Article 291¹ of the Estonian Penal Code should not be confused with Article 291, paragraph 1 of the same legislation.

system to claim pecuniary and non-pecuniary damages from state authorities before administrative courts; however, GREVIO could not obtain information on the actual use that victims of the different forms of violence against women covered by the Istanbul Convention make of this legal remedy.

27. GREVIO strongly encourages the Estonian authorities to examine and address any barriers to the use of the existing remedies to hold different state officials accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention, and to take practical measures such as providing training and raising awareness among the judiciary and other professionals, and to ensure the provision of adequate information to women victims of violence, in order to enable them to make practical use of the existing legal remedies. Progress in this area needs to be measured by collecting data on the number of complaints by victims and their outcomes.

II. Integrated policies and data collection

28. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

29. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

30. In Estonia, the Violence Prevention Agreement provides the framework for all state interventions to prevent and respond to interpersonal violence in society. It sets out a total of 14 preventive measures in response to various forms of violence, including violence against children, trafficking in human beings, violence against the elderly, cyberviolence and domestic and sexual violence. The measures set out in the agreement highlight the need for capacity building for specialists, introducing victim-friendly proceedings, supporting the work with perpetrators and improving the role of healthcare and social service providers in preventing violence.

31. Even though a steering group was established to monitor the implementation of the Governmental Action Plan for Preventing Domestic Violence and co-ordinate the activities of various ministries, the implementation of the measures is left to each stakeholder for their respective area of competence.¹⁸ Article 7 of the convention requires that co-ordination should be ensured among all relevant parties, including civil society, both in the context of the adoption and the implementation of policies to prevent and combat violence against women. According to information from members of civil society,¹⁹ outside of the monthly Multi-Agency Risk Assessment Conference (MARAC) meetings communication and co-ordination between the authorities and civil society is rather sporadic, which places the onus on the victim to find support and obtain information on the next steps to take towards a life free from violence, contrary to the aims and spirit of the Istanbul Convention.

32. Looking at the overall Estonian policy framework in the area of violence against women, GREVIO notes with regret that the agreement focuses principally on domestic violence while also providing certain general measures for the prevention of sexual violence and digital manifestations of violence against women, whereas the Governmental Action Plan for Preventing Domestic Violence exclusively addresses domestic violence through a set of handpicked measures assigned to relevant line ministries. None of these policy documents provide for specific integrated measures to tackle other harmful forms of violence against women in a comprehensive manner covering prevention, protection and support services as well as prosecution for experiences of rape and sexual violence, sexual harassment, stalking, FGM, forced marriage or forced sterilisation and abortion. GREVIO recalls in this respect that Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women, over and beyond domestic violence. While GREVIO welcomes that the Violence Prevention Agreement provides measures that correspond to all four pillars of the Istanbul Convention, namely prevention, protection, prosecution and co-ordinated

18. The steering group is led by the Ministry of the Interior and consists of the Ministry of Justice, the Ministry of Social Affairs, the Police and Border Guard, the Social Insurance Board, the Public Prosecutor's Office, Harju County Court, the Association of Estonian Cities and Parishes and the Estonian Society of General Practitioners.

19. Submission by the Women's Support and Information Centre, p. 4.

policies, it notes that neither the agreement nor the Governmental Action Plan for Preventing Domestic Violence addresses the specific difficulties experienced by women who are or may be exposed to discrimination on multiple grounds and who face increased obstacles in relation to support and protection from the forms of violence covered by the convention. The lack of a gendered approach can also be criticised here.

33. GREVIO urges the Estonian authorities to develop a specific long-term co-ordinated plan/strategy giving due importance to all forms of violence against women covered by the Istanbul Convention and addressing the specific needs of all groups of victims, in particular women who are or might be exposed to intersectional discrimination, based on a gendered understanding of violence against women.

B. Financial resources (Article 8)

34. In Estonia, government funding for services and measures to prevent and combat violence against women is made available in different ways at the national and local level. Most of the violence prevention strategies and action plans, including those concerning violence against women, are implemented within the general budgetary frameworks of line ministries. In this respect, Estonia adopted an activity-based approach to budgeting in 2020 with a view to increasing the efficiency and quality of public services and reducing government expenditure. According to the authorities, public funds are allocated to individual programmes in accordance with the impact assessment method developed in 2012 and updated in 2021. This methodology provides that the programme activities must take into account the different needs and social status of women and men and consider how the foreseen measures will impact different genders. According to the authorities, however, it is not possible to offer a complete and detailed overview of the resources. According to the authorities, it is not possible to offer a complete and detailed overview of the funding allocated specifically for work against violence against women and domestic violence in Estonia as most of the funding is covered in the form of operational expenses of the ministries and their subordinate authorities, including the police, prosecutor's office, courts, health and care services, and schools. GREVIO has had the opportunity to note the importance of gender-based budgeting in making visible the share of national and local budgets dedicated to preventing and combating violence against women.²⁰ Calculating the cost of violence against women will be instrumental to quantifying the budget needed to fulfil Estonia's undertaking under the Istanbul Convention and to allocate appropriate funding to the implementation of policies, measures and programmes to prevent and combat all forms of violence covered by the convention. In this respect, GREVIO notes the added value of existing cost determination exercises carried out by Estonian civil society²¹ and the European Institute for Gender Equality.²²

35. GREVIO was able to obtain some information regarding the resources allocated annually to victim support services, some of which are procured to NGOs, for the period 2018-2020. GREVIO welcomes the gradual increase in funding to support victims of violence against women between 2018 and 2020.²³ It notes in particular with great satisfaction that the

20. See GREVIO's baseline evaluation reports on: Andorra, paragraph 36; Denmark, paragraph 28; France, paragraph 48; Italy, paragraph 54; and Turkey, paragraph 53.

21. "Cost of Domestic Violence in Estonia":

https://ec.europa.eu/info/sites/default/files/aid_development_cooperation_fundamental_rights/mlp_ee_comments_paper_fi_july_2021_en.pdf.

22. European Institute for Gender Equality (2014), *Estimating the costs of gender-based violence in the European Union – Report*, Publications Office of the European Union, Luxembourg, available at: <https://eige.europa.eu/sites/default/files/documents/MH0414745EN2.pdf>.

23. According to the information provided by the Estonian authorities, the budget allocated for victim support services (including shelters, psychosocial support to victims of sexual violence, psychological counselling, compensation of crime victims, social programmes for perpetrators of violence and 24/7 helpline) was around €4 million in 2020, €2.3 million in 2019 and €1.6 million in 2018.

civil society organisations which provide shelter, psychosocial support, advice and counselling to women victims of domestic violence largely regard the allocated financial resources to be sufficient for their core activities. However, for a significant portion of their awareness-raising and advocacy work, most civil society organisations rely on donor funding. It is unclear to what extent public funding is allocated to awareness-raising campaigns and other preventive action. Moreover, GREVIO notes the lack of support and protective measures available to certain groups of women and girls, in particular women with disabilities and women with addiction issues, and the overall shortage of dedicated and specialist support and counselling for Russian-speaking women.

36. Local governments in Estonia offer a number of social services to victims of violence against women which are financed through the municipal budget. GREVIO notes that in certain regions social workers struggle to meet the demand for services offered by their municipalities due to lack of human resources.²⁴ The lockdown caused by the Covid-19 pandemic further placed additional pressure on the already strained capacities of the social services personnel. This situation can be alleviated with the introduction of a comprehensive strategy on all forms of violence against women rooted in the principle of multi-agency co-operation and funded through the state budget.

37. GREVIO strongly encourages the Estonian authorities to implement gender-responsive budgeting in order to identify and allocate appropriate funding, monitor public spending and measure progress achieved in combating violence against women.

38. GREVIO further encourages the Estonian authorities to ensure appropriate human and financial resources for general and specialist support services as well as the robust resourcing of the measures on all forms of violence against women, including domestic violence.

C. Non-governmental organisations and civil society (Article 9)

39. GREVIO welcomes the recognition in Estonia of the vitally important role of NGOs in preventing and combating violence against women and domestic violence. Women's NGOs have been given an active role in the implementation of different programmes designed to prevent and combat violence against women and domestic violence in the country, for example by developing and providing training on topics related to violence against women and gender equality and by playing an important role in raising public awareness of these issues. They also provide a wide range of specialist services for victims of violence against women and domestic violence, such as counselling, women's shelters and legal assistance. Last but not least, NGOs providing specialist support services to victims of violence against women are involved in the regular Multi-Agency Risk Assessment Conference (MARAC) meetings to discuss high-risk cases of domestic violence. GREVIO welcomes the fact that during the Covid-19 pandemic, the Social Insurance Board of Estonia held regular web briefings with women's support centres to share good practices and solutions co-ordinated at the state level.

40. In addition, GREVIO welcomes the fact that the role of NGOs is formalised by laws and strategic documents. For instance, the Good Practice of Involvement, which is a partnership and co-operation document that was in force between 2005 and 2011, required ministries and other administrative agencies to involve stakeholders, including civil society organisations, in the preparation of strategic documents including drafts of laws, regulations, directives and decrees. Subsequently, in 2012, the duty to consult civil society in the adoption of legislation and policies became binding with the adoption of the government regulation

24. Information obtained during the evaluation visit.

“Rules for Good Legislative Practice and Legislative Drafting”. GREVIO notes with satisfaction that NGOs, including those working in the field of violence against women, actively participated in the development of the Violent Prevention Agreement by participating in thematic working groups.

D. Co-ordinating body (Article 10)

41. With the ratification of the Istanbul Convention in 2017, the Ministry of Justice was mandated as the body to co-ordinate, implement, monitor and evaluate policies and measures to prevent and combat all forms of violence in accordance with Article 10 of the convention. However, GREVIO notes that there are no clearly defined co-ordination modalities and set policy objectives for the ministry to execute its mandate under Article 10. Instead, it takes part in various interministerial groups aimed at facilitating information exchange among various authorities. These include the Violence Prevention Strategy Network, which mainly operates as a mailing list to share information about the implementation of the Violence Prevention Agreement; the special lead group of experts formed by the Ministry of Social Affairs and the Ministry of Justice to facilitate communication among all relevant institutions for preventing and combating sexual violence; and the cross-sectoral steering group established by the Ministry of Interior to ensure the implementation of the domestic violence action plan.

42. GREVIO further notes that despite its formal designation as the co-ordinating body to ensure the implementation of the convention, no permanent staff or budget have been allocated to the Ministry of Justice for this duty. GREVIO is concerned that rather than creating/mandating one or more separate structures to take on the four tasks of co-ordination, implementation, monitoring and evaluation, these have been simply added to the mandate of the ministry, with no adjustments to its operational structures, staffing or funding. GREVIO thus notes that taking on functions required by the convention may place a strain on the existing capacities of the Ministry of Justice. Similarly, the ministry is not tasked with co-ordinating data collection by all relevant bodies; instead, it keeps to collecting and publishing criminal statistics as a part of its national mandate.

43. Moreover, GREVIO notes that the Ministry of Justice as the co-ordinating body is mandated to both implement and monitor implementation of policies and measures in the area of violence against women. GREVIO wishes to point out that the evaluation function of a co-ordinating structure in the implementation of Article 10 of the convention is to be understood as providing an independent and scientific assessment, based on robust data, of whether measures taken achieve their aim and/or expose any unintended effects. It is important to highlight the value that lies in differentiating implementation from the evaluation of measures taken and attributing these two functions to separate institutions. A set-up in which those who implement measures and bear political responsibility for them are at the same time entrusted with the task of evaluating the efficacy of those measures might not ensure the necessary objectivity in assessing policies, and thus an independent evaluation of policies and measures is needed.

44. **GREVIO urges the Estonian authorities to assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities, in order to ensure the sustainability of their work. GREVIO also urges the Estonian authorities to ensure, on one hand, the co-ordination and implementation of policies and measures, and on the other hand, their independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies.**

45. **GREVIO strongly encourages the Estonian authorities to ensure that the functions of the co-ordinating body apply to all forms of violence covered by the Istanbul Convention and that they are supported by adequate and appropriate data, which are necessary for evidence-based policy making.**

E. Data collection and research (Article 11)

46. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.²⁵

1. Administrative data collection

47. In Estonia, many efforts have been made to introduce data-collection systems that record data in key areas of public administration with a bearing on the national response to the different forms of violence against women covered by the Istanbul Convention. GREVIO notes with satisfaction the high degree of digitalisation in Estonia which allows for the introduction of data-recording systems with data categories of crucial importance, notably the sex and age of the victim and perpetrator as well as the relationship between the two.

a. Law-enforcement agencies and the justice sector

48. The Ministry of Justice is responsible for the collection, analysis and publication of data on crime. The e-File system is a case-management system which automates court processes and facilitates comprehensive statistical data collection on judicial proceedings. The database of the e-File system makes information on the status of individual cases available to all parties concerned but statistics and data entered into its database are public, except in those cases prohibited by law.²⁶

49. Data are collected by law-enforcement and criminal justice officials on the basis of offences listed in the Penal Code, disaggregated by the age and sex of the victim, the sex of the perpetrator, the age of the perpetrator (in cases of homicide and rape) and the relationship between the victim and perpetrator. On the basis of the administrative data in the e-File system and the annual small-scale victim survey, the Ministry of Justice annually publishes a crime report on the previous year. The crime reports include sections about homicide, domestic violence (including stalking and sexual violence within the context of domestic violence), sexual violence (including rape) and human trafficking.

50. GREVIO notes with satisfaction the establishment of a cost and time-efficient electronic case-management system that connects the information systems of the police, prosecutors, courts and correction facilities and that provides a good basis for the assessment of conviction, attrition and recidivism rates and for the implementation of protection orders, by providing information on the number of issued protection orders, their breaches and relevant sanctions. It however notes observations made by experts in the field that the quality of data entered by the police varies based on the thoroughness of the officer registering it. While data-collection systems to track cases of violence against women across the criminal justice system are very advanced in Estonia, GREVIO notes that far less data are collected on family

25. While this section discusses the main considerations related to data collection, Chapters V and VI also offer reflection on data related to specific criminal offences.

26. Article 7 (1) of the Criminal Records Database Act provides that "The data entered in the database are public, except in the cases provided by law". See: www.riigiteataja.ee/en/eli/501042019021/consolide.

law proceedings of relevance to domestic violence, notably cases concerning custody and visitation rights. No information seems to be collected on the number of times one parent has had custody and visitation rights withdrawn because of the violence committed towards the other parent. GREVIO emphasises the importance of also collecting data on the number of decisions on custody and visitation rights concerning children which have expressly taken into account reports of domestic violence. In addition, while commending the authorities for their extensive efforts in data collection, GREVIO reiterates the need to use such data to analyse attrition rates, clarify underlying causes of attrition, follow trends in this area and use the findings to create evidence-based policies and/or make changes to legislation.²⁷

51. GREVIO encourages the Estonian authorities to develop data-collection systems for civil proceedings in order to keep track of the number of decisions on custody and visitation concerning children which expressly take into account reports of domestic violence as well as cases where the custody and visitation rights of a parent have been restricted or withdrawn on that basis.

b. Healthcare sector

52. The National Institute for Health Development is responsible for managing the Estonian National Health Information System that has been in operation since 2008. All healthcare providers are connected to this information system and patients' health data are stored centrally. It is unclear, however, whether this information system includes information on the number of times victims of incidents of violence against women covered by the Istanbul Convention have made contact.

53. On the other hand, GREVIO commends the establishment of the database of Estonian sexual assault centres (SACs) in 2019. The database, which is run by the University of Tartu Medical Research Centre, collects non-personalised data on each victim of sexual violence who has sought the assistance of an SAC, broken down by 65 factors including sex, age and relationship with the perpetrator as well as details of the crime, the damage to the victim's health and the assistance provided.

54. GREVIO strongly encourages the Estonian authorities to ensure the systematic and comparable collection of data by the healthcare sector on the number of instances that contact has been made concerning experiences of any of the forms of violence against women covered by the Istanbul Convention.

c. Social services

55. The Social Protection Information System (SKAIS) managed by the Social Insurance Board collects data on the provision of support services and the awarding and payment of state benefits, pensions and other state assistance. This includes data about the receivers of victim support services disaggregated by sex, age, nationality, the relationship of the perpetrator to the victim and geographical location. Information on underage children is collected as they are also considered in need of help. Furthermore, data about the victims benefiting from the specialist support services run by women's NGOs are collected and disaggregated by the age and nationality of the victim, the relationship of the victim to the perpetrator, geographical location, number of children, pregnancy, education, disability, type of violence, services provided, participation in a MARAC and the co-operating institutions. Data gathered biannually from all 19 MARACs include the number of high-risk cases (including results of risk assessments carried out according to the Domestic Abuse, Stalking and Honour Based Violence Risk Identification, Assessment and Management Model, also known as "DASH") in every municipality disaggregated by the form of violence, sex, age and nationality

27. See the section in Chapter VI, Effective investigation and prosecution.

of the victim, the relationship of the perpetrator to the victim, the involvement of any children in the case, the length/period of MARAC supervision and whether criminal proceedings have been initiated. Data from the SKAIS database are made available to the public via regular press releases.

56. GREVIO notes with satisfaction the above-mentioned efforts of the Social Insurance Board to collect relevant data on their interventions and trusts that these efforts serve to identify the extent to which interventions are implemented by social services and whether they lead to the intended results.

d. Data on the asylum procedure

57. In the area of asylum, GREVIO notes that the Police and Border Guard Board does not collect data on the grounds under which refugee status is granted, disaggregated by sex. It is therefore not possible to determine whether any women have been granted refugee status on the basis of belonging to a specific social group or on the basis of any other refugee ground. While GREVIO acknowledges the relatively low caseload of asylum applications in Estonia, it stresses the importance of disaggregated data collection in identifying trends on violence against women in the asylum field.

58. GREVIO encourages the Estonian authorities to introduce a data-collection system that records asylum claims on the basis of gender-related persecution.

2. Population-based surveys

59. Article 11 of the Istanbul Convention requires national surveys at regular intervals to assess the prevalence of all forms of violence against women covered by the convention.

60. In 2018, the Ministry of Social Affairs co-funded a national survey seeking to estimate the prevalence of experiences of women and men of psychological, physical and sexual violence at home, in the workplace and in public as well as of continued violence after the end of an intimate relationship. The survey also looked at the effects and consequences of violence on the well-being and quality of life of the victims.²⁸

61. GREVIO welcomes the fact that the Estonian authorities have decided to repeat this exercise with the largest sample size to date. This national prevalence survey seeks to look at experiences of gender-based violence, including physical, sexual and psychological violence and stalking, occurring within and outside of intimate relationships, sexual harassment in the workplace and violence experienced during childhood. The survey, which will be concluded in 2023, also aims to shed light on the practices of seeking help and to identify any related shortcomings.

62. In addition to the above prevalence surveys, a number of nationwide surveys addressing attitudes around and experiences of violence against women in criminal proceedings have been carried out. In 2016, a survey looking at attitudes towards gender-based violence and human trafficking in Estonian society was conducted by the Ministry of Justice.²⁹ Since 2010, the Ministry of Justice has also been carrying out annual small-scale victim surveys on the prevalence of different forms of interpersonal violence, such as threat, robbery, assault and sexual harassment. These surveys, however, do not seem to

28. Pettai I. and Laidmäe V. I. (2018), "Domestic violence, violence against women and the victims' health" (results of all-Estonian sociological survey).

29. Estonian Ministry of Justice (2016), "Attitudes of Estonian inhabitants in relation to gender-based violence and human trafficking", available at: www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/eesti_elanikkonna_teadlikkuse_uuring_soo_pohise_vagivalla_ja_inimkaubanduse_valdkonnas_2016.pdf.

include the sex of the victims as a variable, nor their relationship to the perpetrator of the offence. In this respect, GREVIO regrets the lack of attention to sex in this systematic exercise and views it as a missed opportunity to track intimate partner violence, sexual violence and sexual harassment trends in the country.

63. GREVIO invites the Estonian authorities to conduct surveys on all forms of violence against women covered by the scope of the Istanbul Convention, including dedicated surveys on forms of violence that have not been explored previously, such as female genital mutilation and forced marriage, the digital dimension of violence against women and violence perpetrated in the name of “honour”.

3. Research

64. Article 11, paragraph 1*b*, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.³⁰

65. GREVIO welcomes a number of studies that have been carried out to evaluate existing policies and legislative measures on violence against women to assess their level of implementation and efficiency. These include a mapping study of the existing programmes for perpetrators of domestic violence, their impacts and feedback from the participants. In this respect, GREVIO welcomes the 2022 study analysing the Estonian legal framework governing the child witnesses of domestic violence *vis-à-vis* international standards. The study found the applicable Estonian regulations to be in line with international requirements and recommended the development of guidelines and training programmes for child welfare professionals, social workers and law enforcement officials to unify practices. Furthermore, in 2017, the Ministry of Justice commissioned a survey on the status of victims of violence in criminal proceedings. In this context, 223 professionals, including judges, prosecutors, police officers and victim support officers, and 223 victims were interviewed with the aim of determining the level of protection provided to victims following the implementation of the EU directive on establishing minimum standards on the rights, support and protection of victims of crime. GREVIO notes that while this survey reveals interesting insights into the Estonian victim support framework, it does not assess gender differences in experiencing and reporting violence as well as accessing protection services.

66. Several research projects have benefited from funding made available by international donors. One such project is Building a Unified System for Preventing Intimate Partner Violence in Estonia implemented from 2013 to 2015 and funded by Norway Grants. Within the framework of this project, several studies were conducted looking at the attitudes to and experiences of issues related to intimate partner violence among social workers, healthcare specialists, police officers and lawyers. Another project worth mentioning is entitled Developing a Gender Stereotype Free and Efficient Law Enforcement System for the Prevention of Gender-based Violence. This project was supported by the Active Citizens Fund and implemented by the Institute for Open Society Research between 2019 and 2021. The project aimed to develop a law-enforcement culture free of gender stereotypes with a view to increasing victims' trust in law-enforcement agencies.

30. Explanatory Report to the Istanbul Convention, paragraph 77.

67. GREVIO also notes with satisfaction various research initiatives that aim to identify the root causes of gender-based violence such as the gender equality monitoring studies which have been conducted five times between 2003 and 2016. These studies look at the evolution of gender roles and attitudes over time.

68. Despite these initiatives, GREVIO recalls that little attention has been devoted to forms of violence other than domestic violence and, to a lesser extent, sexual violence. GREVIO could not obtain any information on research studies in relation to women's experiences of stalking, female genital mutilation and forced marriage. There is also an absence of research into the effects of gender-based violence on children, particularly child witnesses of domestic violence, and on specific groups of victims such as women from the Russian-speaking minority or women with disabilities. GREVIO also notes that it is unclear to what extent research conducted so far has been used for the purpose of evidence-based policy making.

69. GREVIO encourages the Estonian authorities to address, through research, all forms of violence against women, including sexual harassment and stalking, female genital mutilation, forced marriage or other traditional practices harmful to women, as well as the impact of witnessing violence on children, women's experiences with support services and violence affecting vulnerable groups of women, including, but not limited to, Russian-speaking women and girls and women and girls with disabilities.

III. Prevention

70. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. General obligations (Article 12)

71. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

72. In Estonia, a range of measures have been taken to change patriarchal mentalities and gender stereotypes. For example, a number of awareness-raising campaigns have been carried out which include men and boys as role models, agents of change and advocates for equality between women and men and mutual respect.³¹ Another noteworthy practice is the provision of a teacher training programme to promote gender equality.³² GREVIO notes with satisfaction that, according to academic studies, pupils were more prone to value equality and less prone to tolerate and normalise violence after attending lessons taught by teachers who underwent this training. Significant changes were also noted in the pupils' views on men's and women's duties in society.³³

73. GREVIO welcomes the efforts made by the Estonian authorities to address gender stereotypes through education and to promote a culture of equality between women and men. GREVIO notes, however, that there is a continued need to increase awareness among the general population about the negative impact of gender stereotypes in terms of perpetuating violence against women. GREVIO recalls in this connection the value of Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism, which comprises a broad catalogue of measures both to prevent and condemn sexism.

B. Awareness raising (Article 13)

74. In Estonia, several awareness-raising initiatives involving various stakeholders have been taken on sexual violence and domestic violence since 2018. The campaigns have been implemented by several different state bodies, such as the Ministry of Justice and Social Affairs, the Police and Border Guard and the Social Insurance Board, often in partnership with women's NGOs. Many of these initiatives have aimed to encourage victims and witnesses of

31. See Article 13, Awareness raising.

32. See Article 14, Education.

33. Information in English on this study is available at Tartu University's website:

<https://ut.ee/en/content/university-tartu-researchers-help-teachers-and-adolescents-recognise-violence>.

violence to report and seek help. GREVIO notes with interest the campaign “Olen mees, ma ei löö” (I’m a man, I don’t hit) in 2020 which was run in Estonian and Russian and focused on raising men’s awareness of intimate partner violence, particularly in the largely Russian-speaking Ida-Virumaa county, where the domestic violence rate is higher than the national average. Another awareness-raising initiative also launched in 2020, the campaign “Milline meeskuju tahad sina olla?” (What kind of role model are you?), aimed to change the attitudes of men and boys towards gender-based violence and to encourage perpetrators to seek help. It is a promising example that highlights the importance of using positive male role models to oppose violence against women. Another project undertaken by the Estonian Sexual Health Association, called “Ära ole SEKSEI!”, aimed at raising awareness in society of sexual violence and encouraging victims to speak up. Significant attention has also been paid to designing awareness-raising initiatives that encourage witnesses of domestic violence to report abuse. In 2018 and 2019, the Social Insurance Board implemented two such projects aiming to inform witnesses of violence about how to receive support and the applicable reporting procedures. GREVIO welcomes the fact that the Estonian authorities use criminal data and statistics to identify a target audience and tailor the messages of awareness-raising campaigns, for example by prioritising a certain region, language or age group.

75. In addition to the above-mentioned longer-term projects, regular one-off public information activities are carried out in the media, including social media, by different ministries, the police and the prosecutor’s office. These include statements and posts published on special days such as the International Day for the Elimination of Violence against Women, International Women’s Day, Christmas and other public holidays.

76. GREVIO appreciates the efforts made by the authorities in Estonia to raise awareness of domestic and sexual violence against women but notes that some forms of violence, such as psychological and economic violence, stalking, sexual harassment, forced marriage and the digital manifestations of violence against women, for example image-based abuse, as well as the harm done to children who witness violence, remain insufficiently addressed. Thus, it points to the need to extend the scope of awareness-raising campaigns to address all forms of violence against women covered by the convention, especially those that remain underreported.

77. This is also relevant in relation to the choice of target groups. While GREVIO notes some variety in the target groups addressed and the communication media used, none of the campaigns seem to address the needs and concerns of women who are or may be at risk of intersectional forms of discrimination, including elderly women, women with disabilities and LGBTI women. In this context, GREVIO notes the efforts made by the Estonian authorities to reach, through awareness-raising campaigns, the Russian-speaking population in Estonia. However, in view of the persistently high incidence rate of domestic violence in regions where the ethnic Russian population is highly represented, GREVIO considers it necessary to develop new approaches, including more Russian-language material, to raise awareness of the different forms of violence against women, in particular domestic and sexual violence, targeting all members of Russian-speaking communities, including those who resort to violence and control, as well as those who suffer from it.

78. Moreover, GREVIO reiterates that Article 13 of the convention entails the obligation to organise public awareness-raising campaigns or programmes on a regular basis. While recognising the public information campaigns marking global days and holidays, GREVIO notes the need to pursue such efforts in a systematic manner. It also notes that no particular measures have been taken to assess the impact of the awareness-raising measures undertaken so far.

79. **GREVIO encourages the Estonian authorities to sustain and further develop their awareness-raising efforts by expanding their scope to all forms of violence covered by the Istanbul Convention, by running awareness-raising campaigns in all relevant languages with a view to reaching out to the whole of society and by relying on the expertise and experience of specialist women’s NGOs in implementing activities.**

C. Education (Article 14)

80. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and that informs learners of the different forms of gender-based violence against women.

81. In Estonian primary and secondary education, which covers nine grades and spans the ages 7 to 16, the compulsory course entitled “personal social and health education” includes topics related to gender equality such as respect between sexes and dating norms. In upper secondary school, which concerns grades 10 to 12 and ages 16 to 19, the course’s scope also includes sexuality education. In this respect, GREVIO notes the fact that Estonia was the first country regaining its independence from Soviet Union to officially introduce school-based sexuality education and the Estonian programme is presented as a model by the World Health Organization (WHO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).³⁴ With the exception of certain religious schools, sexuality education includes subjects of sexual violence and consent in addition to sexual health, communication skills and drug prevention. In this respect, GREVIO notes with satisfaction the efforts of Estonian authorities to integrate gender equality, consent and risk of coercion in intimate relationships and non-violent conflict resolution into the curriculums of primary and secondary schools, although certain studies indicate that Russian-speaking women receive less sexuality education than their Estonian-speaking peers.³⁵

82. In primary and secondary schools, the teachers have the freedom to choose the resources they wish to use from among a catalogue of teaching materials, which is also available on the e-Schoolbag platform. Aware of the importance of the role played by educational professionals in the detection and prevention of violence in schools and other educational institutions, GREVIO notes with interest that voluntary training on healthy and safe relationships are available to teachers, school psychologists and school social workers who wish to improve their skills to discuss these topics in the framework of sexuality education.³⁶ This training covers physical, psychological and sexual violence in intimate relationships. GREVIO further welcomes the fact that the aim of this training is to raise awareness of teachers with a view to identifying students who may be exposed to violence, including by witnessing domestic violence, and to intervene appropriately.

83. In higher education, a three-credit course on gender-based violence is available as an elective course to students of social sciences that include law, economics, business, educational science and educational management and politics. The course curriculum covers

34. Sexuality Education in the WHO European Region: Estonia, Federal Centre for Health Education, available at: <https://shop.bzga.de/pdf/60596057.pdf>.

35. Lippus H. et al. (2015), “Estonian women’s health 2014: sexual and reproductive health, health behaviour, attitudes and use of healthcare services”, Survey report, Department of Obstetrics and Gynaecology, University of Tartu, p. 112, available at: https://sisu.ut.ee/sites/default/files/naisteterviseuuring/files/uusestre2014_loppraport.pdf.

36. Chapter III, Training of professionals.

the topics of intimate partner violence, sexual violence and sexual harassment and provides information on relevant criminal provisions and proceedings. According to the authorities, approximately 40 students benefit from this course annually. GREVIO welcomes the efforts made to introduce in higher education, as a mandatory or elective course, some of the elements of Article 14. GREVIO further notes that content on sexual violence and harassment in sports is available to both coaches and athletes through training provided by the Estonian Centre for Integrity in Sports.

D. Training of professionals (Article 15)

84. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

85. In the health sector, medical studies at university level, which cover the initial training of not only doctors but also other healthcare professionals, including midwives, nurses and dentists, has an obligatory course on medical ethics, which includes sexual violence as a subject. Furthermore, all doctors specialising in gynaecology and family medicine receive mandatory training on intimate partner violence during their residency. The course for family doctors is delivered by gynaecologists and sociologists and not only tackles the medical detection of domestic violence but also aims to provide practitioners with effective skills for communicating with potential victims. For all practising doctors, voluntary online training is available on intimate partner violence. GREVIO welcomes these training measures but notes with regret the absence of specialist training for mental health professionals providing psychological counselling to victims or child witnesses of violence or abuse.

86. In a similar vein, no specific initial or in-service training containing a module on violence against women exists for judges and prosecutors, which GREVIO notes with particular concern. Their substantive professional training is mainly obtained at university, which does not provide a unified and comprehensive coverage of violence against women and may not respond to the specific needs of different groups of legal practitioners. An elective course on intimate partner violence is available to all law students during the second year of their studies, which also tackles gender equality. According to the state authorities, participation in this course is high, which GREVIO welcomes. Newly appointed judges go through mandatory training implemented by the Estonian Supreme Court; however, it exclusively focuses on issues related to judicial procedure and conduct. While certain aspects of this training programme cover important issues related to professional conduct in cases involving violence against women, such as victim-sensitive communication in court proceedings, it does not offer specific information on the rights and needs of victims of gender-based violence, on the dynamics of domestic violence and its gendered dimension or on how to avoid secondary victimisation of women victims of violence. As for prosecutors, no initial training is required for entry into the profession and the majority of their professional training is carried out within the context of peer-to-peer training during a four-month mentoring programme. Additionally, for prosecutors who choose to specialise in domestic violence, annual round tables are organised; however, GREVIO notes that peer-to-peer training and round tables cannot replace more formalised training on the different forms of violence against women and may not allow for in-depth knowledge building.

87. GREVIO is similarly concerned by the lack of mandatory initial training on domestic violence and violence against women for law-enforcement officials. Although a variety of voluntary in-service training courses are provided on issues related to violence against women, the level of participation in these varies by subject. For example, while GREVIO noted

a higher level of participation in courses on domestic violence, sexual violence or the use of the MARAC system, courses on domestic violence in minority communities, dating violence and a more general course covering violence against women failed to attract interest from practising police officers.

88. For those training to be social workers in higher education, gender equality and stereotypes is a mandatory subject in sociology studies, the required academic path for entering into the profession. Furthermore, a three-credit course on gender-based violence is available as an elective course to all social sciences students; however, GREVIO could not obtain information on the participation rate of sociology students in this course. According to the information provided by the authorities, in the field of social work child-protection officers are obliged to undergo a 130-hour, in-service training course within the first two years of taking up their duties. This training includes a 24-hour module on intimate partner violence developed and delivered by experienced social workers, clinical psychologists, lawyers and experts from women's NGOs. Employees of children's residential care facilities and foster families have a similar mandatory training requirement. For the employees of women's shelters and specialist service providers, a mandatory 90-hour training module on violence against women is provided by the Social Insurance Board.

89. GREVIO notes with concern that in-service training covering a module on intimate partner violence is not mandatory for social workers other than child-protection officers. However, according to the information provided by the authorities, the new Victim Support Act will introduce mandatory training requirements for the employees of social services at the state level while also providing municipality social workers with the possibility to benefit from such trainings on a voluntary basis. GREVIO could not obtain information on the content of the planned training programme but is hopeful that it will provide a comprehensive review of all forms of violence against women and include specific modules on women who may face intersectional discrimination.

90. In light of the above, GREVIO notes that some efforts are being made to enable certain groups of professionals, notably in the health sector, the law-enforcement sector and those studying social sciences, to benefit from some training on the different forms of violence against women. These remain, however, largely voluntary and do not constitute systematic training efforts. Moreover, these efforts do not include key professionals such as legal professionals and social workers. At the same time, very little effort seems to be made to ensure systematic in-service training on the prevention and detection of violence against women, equality between women and men, the needs and rights of victims and how to prevent secondary victimisation. Last, no particular training efforts seem to be made to enable professionals to respond to women victims exposed to intersectional discrimination, such as Russian-speaking women, women with disabilities or migrant and asylum-seeking women, and the need to act in co-operation with other professional groups on the basis of agreed protocols.

91. GREVIO urges the Estonian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation, for all professional groups, in particular the healthcare sector, social workers and legal professionals such as those in prosecution services and the judiciary. All training must be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow.

E. Preventive intervention and treatment programmes (Article 16)**1. Programmes for perpetrators of domestic violence**

92. Currently there are no voluntary perpetrator programmes systematically offered in Estonia. Even though certain state-funded programmes are offered by NGOs on a project basis which aim to counsel perpetrators of domestic violence in group sessions, they do not function as long-term behavioural change programmes. According to information provided by the authorities, the majority of the perpetrators are referred to such programmes by the police or prosecutors and the remainder by local governments and child-protection and victim support services as well as through self-referral. While GREVIO welcomes these steps, it points to the importance of ensuring not only their continuity by putting in place sustainable funding schemes but the importance of developing these programmes into behavioural change programmes that aim to change their beliefs, attitudes and behaviours concerning women and gender roles and that are based on the core principles of perpetrator work such as acknowledgement of perpetrator accountability, co-operation with women's specialist support services and the ensuring of the safety of abused women and their children.

93. Within the criminal justice system, mandatory perpetrator programmes can be imposed by public prosecutors as an alternative to launching court proceedings or can be delivered as a part of a prison sentence. These programmes are developed by the Ministry of Justice and carried out by officials who have received the associated training. The obligation to participate in prison-based programmes does not stem from a court decision but from individual treatment plans prepared when perpetrators start serving their prison sentence. The treatment plan takes into consideration various factors, including the criminal offence committed, the findings of an initial interview conducted with the perpetrator and previous risk assessments by law-enforcement officials.

94. The majority of these programmes are carried out as individual sessions of cognitive behavioural therapy. Attendance of probation-based perpetrator programmes can be ordered by the competent courts upon the request of probation officers. Probation-based perpetrator programmes are outsourced to accredited facilitators whereas prison-based programmes are available throughout Estonia. GREVIO notes that no impact assessment has been carried out, but according to the state authorities there are plans to assign an entity to undertake this task.³⁷

95. GREVIO encourages the Estonian authorities to:

- a. set up voluntary perpetrator programmes and to ensure that all programmes are in line with the core elements set out in the section on Article 16 of the Explanatory Report of the Istanbul Convention;**
- b. ensure the external evaluation of existing perpetrator programmes in light of international best practices and principles, including analysis of reliable information on reoffending, in order to assess whether the programmes serve the intended preventive aims;**
- c. ensure that the programmes form part of a multi-agency approach involving all relevant institutions, in particular women's specialist support services for victims of violence against women.**

37. Information obtained during the evaluation visit.

2. Programmes for sex offenders

96. While there are no voluntary programmes for sex offenders in Estonia, mandatory programmes are provided within the prison system according to individual treatment plans and aim to prevent reoffending by recognising and processing the thought and activity models relating to sex offences.

F. Participation of the private sector and the media (Article 17)

97. The Estonian Code of Ethics for Media does not contain any provisions concerning reporting on cases of gender-based violence against women and protecting the rights to privacy of the victims. According to the state authorities, however, the Ministry of Justice has regular communication with media organs to provide background information and advice on certain cases which require a sensitive approach to their reporting. The Press Council, a joint self-regulatory body, can also examine complaints about the coverage of a case and request a correction to be issued by the reporting media entity when necessary.

98. GREVIO notes with satisfaction the Estonian private sector's involvement in various activities for preventing and combating violence against women in partnership with state authorities. A particularly noteworthy initiative in this respect is the co-operation agreement which was signed in 2010 by three communication companies (AS EMT, Tele 2 Eesti AS and Elisa Eesti AS), expressing their willingness to co-operate with law-enforcement agencies in the investigation and prosecution of offences committed via their services, such as non-consensual sharing of intimate images. In the second annual Digital Government Hackathon organised by the Estonian Ministry of Economic Affairs and Communications, a digital tool developed to facilitate evidence collection in domestic violence cases was awarded first prize. GREVIO welcomes the Estonian authorities' encouragement of innovations in the field of evidence collection in domestic violence cases but notes that unfortunately the Ministry of Justice did not procure this tool as initially planned. Multiple awareness-raising campaigns have also been carried out in co-operation with those in the private sector. For example, in 2020 the company Estonian Energy provided support to a domestic violence campaign implemented by the Police and Border Guard Board and the Social Insurance Board by involving its employees as brand ambassadors to convey the messages of the campaign to a larger audience. During the same year, the Social Insurance Board launched two nationwide campaigns for the prevention of domestic violence in partnership with the advertising agency HAVAS, which assisted the Social Insurance Board in placing advertisements on billboards and on social media.

99. GREVIO notes with satisfaction the provisions in the Estonian Penal Code and the Gender Equality Act which prohibit sexual and gender-based harassment. Regarding sexual harassment, in 2020 the Estonian Ministry of Education and Research and the Federation of Estonian Student Unions co-founded a study to assess the presence of sexual harassment in universities and provide recommendations to university administrations to address this issue.

IV. Protection and support

100. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the Istanbul Convention.

A. General obligations (Article 18)

101. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and bodies. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local level is particularly important in terms of ensuring that responses fit the community needs, and especially the needs of victims, by providing services under the same premises such as “one-stop-shop” services.

102. Among the promising practices that correspond to the principles established by Article 18 of the convention is the Multi-Agency Risk Assessment Conference (MARAC), which started as a pilot project in 2015 and was expanded to cover all regions of Estonia in 2019. This risk-assessment system consists of a local, multi-agency and victim-focused co-operation model involving all relevant professionals, including the police, victim support professionals and NGOs providing specialist services, and aims to reduce the risk of serious harm or death faced by victims in high-risk domestic violence cases. In addition, the Barnahus model³⁸ brings together all professional agencies involved in reported cases of sexual abuse of children in order to ensure a co-ordinated, multidisciplinary response.

103. While GREVIO welcomes the above examples of successful multi-agency co-operation, it notes that such multi-agency partnering between the providers of different general and specialist support services remain random in Estonia. In the absence of protocols setting out the modalities of co-operation or other mechanisms to co-ordinate the efforts of various parties in providing services to victims of violence against women, such as multi-agency working groups, adopting a holistic response to violence against women depends to a large extent on the initiatives of individual professionals or agencies. When such multi-agency co-operation occurs, it mainly concerns domestic violence cases but omits certain other forms of violence such as FGM, forced marriage and violence based on “honour”. GREVIO also observed the lack of a co-ordinated response to violence against women in the asylum system to provide protection to women in reception centres. In this respect, GREVIO believes that certain measures must be taken to identify these shortcomings, including the institutionalisation of multi-agency co-ordination and its monitoring by the national co-ordinating body.

38. The Barnahus (Children’s House) model is a child-friendly and multidisciplinary service to provide support to sexually abused children or children suspected of being sexually abused. Different specialists, such as child-protection officials, the police, prosecutors, psychologists and many others work together to ensure the welfare of children. The Barnahus team assesses the child’s health, social situation and need for further assistance, carries out investigative operations necessary to resolve the case and offers the child the help he or she needs. They are located in Tallinn, Tartu and Jõhvi.

104. **GREVIO encourages the Estonian authorities to pursue and intensify their efforts to develop and/or strengthen interinstitutional co-operation structures, in particular by institutionalising the framework of this co-operation and by ensuring that these structures base their interventions on a gendered understanding of violence against women, on prioritising the safety of the victim and her children, on the long-term empowerment of women victims and on respect for their human rights. This work should be accompanied by a closer assessment of the progress made and the creation of opportunities for the exchange of good practices between the various territories, in close collaboration with specialist women's rights organisations that have developed expertise in the field.**

B. Information (Article 19)

105. The obligation to ensure access of victims of domestic violence to appropriate and timely information on available support services and remedies in a language they understand is set out in the Code of Criminal Procedure and the Victim Support Act. Accordingly, local authorities, law-enforcement officials, healthcare and social welfare professionals and other relevant authorities are under the obligation to provide information to victims of violence against women on available victim support services. Moreover, victims are provided with the opportunity to call the available crisis helplines at the scene. With the explicit consent of the victim, the police can also directly get in touch with victim support services to provide information on the case. While GREVIO did not receive information of a formal requirement for the relevant authorities to provide information on available specialist services, including those offered by NGOs, it observed that representatives of such organisations generally deemed the information provided to victims of violence against women on their services satisfactory.³⁹

106. Information for victims of violence against women on their rights and the support services available to them is provided online in English, Russian and Estonian on the website of the Social Insurance Board as well as on those sites of NGOs providing specialist support services and running domestic violence shelters. Information is also made available through printed material, such as leaflets and flyers.

107. In criminal proceedings, an information sheet is available in six languages and includes details on the right of the victim to benefit from interpretation, legal representation and psychological support and the right to be accompanied by a support person of choice in all stages of the proceedings as well as general information on criminal proceedings and available compensation mechanisms. GREVIO also welcomes the explicit inclusion of right to be interviewed by a police officer of the same sex in cases of gender-based violence, including sexual and domestic violence, in the available information. However, GREVIO could not obtain information on the application of these principles in practice by law-enforcement officials.

108. **GREVIO encourages the Estonian authorities to ensure that professionals of all relevant institutions actively provide information to victims of violence against women covered by the scope of the Istanbul Convention on the available support services and legal measures in a language they understand, including in formats that are accessible for victims with disabilities.**

39. Information obtained during the evaluation visit.

C. General support services (Article 20)

1. Social services

109. In Estonia, the responsibility to support and protect women from domestic violence lies primarily with the victim support centres. They are public social care institutions organised under the Social Insurance Board and are located in all major cities in Estonia. Victim support specialists and free consultations are provided there. All people can approach victim support centres for any type of violence they may have experienced. These centres therefore act as a general support service and provide emotional support and counselling, share information about other available more specialist support services and provide guidance on communicating with other authorities. Victim support centres ensure confidentiality to the people that approach them. If long-term actions are needed to ensure a safe environment for the victim, victim support centres co-ordinate with the relevant authorities and services to assess the specific needs of the victim.

110. GREVIO welcomes the existence of these general support services for victims of crime but notes that the obligation arising under Article 20 of the Istanbul Convention requires public welfare services such as housing services, employment or unemployment services, public education and training services, public psychological and legal counselling services and financial support services to address, when necessary, the specific needs of victims of the forms of violence covered by the scope of the convention.⁴⁰

111. As GREVIO has had occasion to note in its previous reports, it is therefore of fundamental importance to support women victims of domestic violence through housing schemes to enable them to rebuild their lives.⁴¹ In a similar vein, it is crucial to ensure access to the labour market for women victims of domestic violence by developing specific schemes such as co-operation with public or private-sector employers, and to provide them with vocational training opportunities, to fast-track their reintegration into the workforce and thus contribute to their economic independence.

112. GREVIO notes that in Estonia the Social Welfare Act places an obligation on local governments to provide housing, food and clothing and to address other primary needs of the victims of violence. While NGOs providing specialised support services to victims of violence against women deem the allocation of long-term housing to victims mostly sufficient, GREVIO regrets the observations made by women's civil society organisations that women in rural areas have a diminished ability to find long-term housing. GREVIO further notes with concern the lack of schemes in place to provide financial assistance and specific employment services to help women enter or re-enter the labour market or to otherwise assist them in their economic empowerment.

113. In order to be able to adequately recognise and address the needs of victims of violence, it is crucial to provide training to all relevant professionals, such as labour market officials, employment advisers or child-welfare officers and healthcare providers, on the forms and consequences of violence against women. GREVIO notes that among these professional groups, only child-welfare officers are required to go through an extensive training programme which includes a module on intimate partner violence and the effects of witnessing it on children. However, such education is not always part of the standard training of other public officials working in social support, meaning that victims of violence attempting to gain economic independence may not be met with the understanding and support they need.

40. Explanatory Report to the Istanbul Convention, paragraph 126.

41. See GREVIO's baseline evaluation reports on Austria, paragraph 95; Portugal, paragraph 127; and Serbia, paragraphs 110 and 115.

114. **GREVIO urges the Estonian authorities to set up dedicated programmes that cater to the specific needs of victims of violence against women covered by the Istanbul Convention in the areas of employment and professional training, thus contributing to their recovery, economic independence and empowerment.**

2. Healthcare services

115. Healthcare workers are often the first to come into contact with a woman victim of violence, which is why their ability to identify victims and react sensitively to their needs is crucial.⁴² This can be achieved through training initiatives, including practitioners in public and private healthcare settings, to turn medical professionals into knowledgeable points of first contact for victims.⁴³

116. GREVIO thus emphasises the active role played by healthcare services in responding to violence against women as points of first contact for victims of different forms of violence against women, including domestic violence, and notes that in Estonia the healthcare sector has yet to take on such an active role for the protection and support of victims of the different forms of violence covered by the convention. Indications received by GREVIO point to a lack of knowledge and experience of domestic violence among healthcare professionals as well as the absence of formalised co-operation structures with other competent institutions. Particular shortcomings concern the identification of domestic violence victims by healthcare professionals, their referral to other available services and the lack of co-operation with specialist support services.⁴⁴

117. GREVIO further notes with concern that little to no specific measures have been taken to ensure a holistic response based on a gendered understanding to forms of violence other than sexual violence. While the sexual assault centres established in 2016 provide free specialist support and services on the basis of a victim-centred and gendered approach to victims of sexual violence, GREVIO emphasises that all healthcare services must offer assistance to all forms of violence covered by the convention since an adequate response by medical professionals is vital for victims' physical and psychological well-being and their prospects of obtaining criminal justice. In this respect, GREVIO emphasises the need to develop protocols and guidelines in the health sector for ensuring the identification of victims of all forms of violence against women, providing adequate assistance to them and referring them to specialist women's support services. An encouraging development in this regard is the protocol on FGM which is being developed for healthcare professionals.⁴⁵ Furthermore, training must be provided to healthcare professionals on applicable rules and procedures.

118. **GREVIO strongly encourages the Estonian authorities to implement standardised care paths that include the identification of victims, screening, diagnosis, treatment, documentation of injuries and referral to the appropriate specialist support services, and to promote and institutionalise multi-agency co-operation between the healthcare sector and specialist support services.**

42. The World Health Organization states in this respect that: "While preventing and responding to violence against women requires a multi-sectoral approach, the health sector has an important role to play. The health sector can: advocate to make violence against women unacceptable and for such violence to be addressed as a public health problem; provide comprehensive services, sensitize and train healthcare providers in responding to the needs of survivors holistically and empathetically; prevent recurrence of violence through early identification of women and children who are experiencing violence and providing appropriate referral and support; promote egalitarian gender norms as part of life skills and comprehensive sexuality education curricula taught to young people; generate evidence on what works and on the magnitude of the problem by carrying out population-based surveys or including violence against women in population-based demographic and health surveys, as well as in surveillance and health information systems". See www.who.int/news-room/fact-sheets/detail/violence-against-women.

43. See GREVIO's baseline evaluation report on Denmark, paragraph 110.

44. Information received during the evaluation visit.

45. Information obtained during the evaluation visit.

D. Specialist support services (Article 22)

119. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

120. In Estonia, specialist services for women victims of domestic violence are provided mainly by NGOs, which are financed by the state. Several organisations offer gender-sensitive assistance to women and child victims of domestic violence, for example through counselling, psychosocial assistance, advocacy and guidance on available criminal and civil law remedies and social protection schemes. They are spread across the country, enabling victims of domestic violence to access their services regardless of their geographical location. GREVIO welcomes the fact that all of the providers are able to provide services in Russian to respond to the needs of the large Russian-speaking population in Estonia. On the other hand, GREVIO was made aware that Estonian-speaking victims of violence against women have fewer available services in certain cities where the large majority of inhabitants are Russian speaking.⁴⁶ GREVIO also notes with concern the lack of specific measures to ensure that certain groups of women such as women with disabilities, women with addiction issues problems and elderly women have equal access to specialist services throughout Estonia. In this respect, GREVIO notes that women with addiction issues face particular obstacles to benefiting from specialist services and are rather directed towards medical programmes designed to address issues of addiction, without giving due consideration to their specific needs as victims of violence against women. GREVIO notes that while there are no specific support services for victims of violence against women with a digital dimension, certain service providers have a great understanding and knowledge of digital manifestations of violence against women and, within the scope of an international project, have taken an active part in the development and promotion of an educational prevention programme for young people on this form of violence against women.

121. GREVIO is further concerned by the lack of any specialist support service for victims of violence against women other than sexual and domestic violence, including stalking, FGM, forced marriage, sexual harassment, forced sterilisation and forced abortion. It notes that authorities do not invest in the provision of specific services for women who experience or are at risk of such forms of violence. Much-needed counselling and long-term psychological support and trauma care thus seem unavailable for many of the forms of violence covered by the convention.

122. Recalling the important role that specialist support services play in addressing the different types of violence covered by the scope of the Istanbul Convention by providing tailored support to all groups of victims, GREVIO urges the Estonian authorities to provide for adequate specialist women's support services based on a gendered approach throughout the country for all forms of violence against women covered by the Istanbul Convention.

46. Information obtained during the evaluation visit.

E. Shelters (Article 23)

123. In Estonia, there are currently 16 women-only domestic violence shelters which provide safe temporary accommodation to victims of domestic violence and their children free of charge and are operational 24/7. GREVIO recalls that the Istanbul Convention requires shelters in “sufficient numbers”, referring to the standards set out in the Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence, which recommended one family place per 10 000 head of population.⁴⁷ GREVIO notes that while there are no accounts of women being turned away for lack of space, information from international women’s networks indicate that applying this ratio to Estonia would require an additional 58 shelter places.⁴⁸ All of the shelters are funded by the state and run by NGOs according to the scheme provided for in the Victim Support Act, which serves as the legal basis for shelter provision. GREVIO welcomes this legal basis that sets out standard requirements for service provision and thus ensures the adequate geographical distribution of safe accommodation for victims of domestic violence for sufficient periods of time. Victims of domestic violence and their children can stay at the shelters until they feel adequately independent from the perpetrator or wish to benefit from long-term housing solutions provided by local governments. Shelter staff undergo initial mandatory training by the Social Insurance Board on violence against women and the content of the Victim Support Act.

124. While GREVIO welcomes the fact that shelters accept women victims who are foreigners or irregular migrants, it observed that certain groups of women, particularly women with disabilities and addiction issues, face obstacles to accessing them. With regard to women with disabilities, according to information provided by representatives of NGOs providing shelter services, only one domestic shelter is wheelchair accessible.⁴⁹ GREVIO however noted that NGOs actively work with local governments to provide suitable housing options when a victim of domestic violence with disabilities cannot be accommodated in a given shelter. This active co-operation made it possible for women victims of violence with disabilities to have access to safe housing in all cases. Even though the victims of domestic violence accommodated in such facilities have the possibility to benefit from other specialist support services provided by the shelters, in practice geographic distance may hinder their access to these services.⁵⁰

125. On the other hand, GREVIO noted the reluctance of NGOs providing shelter services to house women with addiction issues because of peace and safety concerns, especially where victims of domestic violence are accommodated with their children. In these cases, victims of violence with addiction issues are directed to addiction rehabilitation facilities or homeless shelters, which fall short of addressing their need for specialist support services as victims of gender-based violence against women. While GREVIO understands that the support needed by women victims of violence with addiction issues goes beyond the expertise and staffing levels of domestic violence shelters, it emphasises that shelters must be sufficiently equipped to welcome women with different needs, including women with addiction issues. In relation to making use of shelters for the homeless as a potential replacement for specialist women’s shelters for gender-based violence victims, as GREVIO has had occasion to note,⁵¹ emergency accommodation for the homeless is not suitable for women victims of violence, as homeless shelters often lack specific approaches and protocols for the prevention of violence and for the provision of protection and support to victims of domestic violence or victims of other forms of violence and staff are often not trained to recognise and respond to violence against women. GREVIO has previously had the opportunity to clarify that generalist

47. See paragraph 135 of the Explanatory Report to the Istanbul Convention.

48. WAVE COUNTRY REPORT 2021, Women’s Specialist Support Services in Europe and the impact of COVID-19 on their provision, p. 24.

49. Information obtained during the evaluation visit.

50. Ibid.

51. See GREVIO evaluation report on France, paragraph 153.

structures cannot replace specialist shelter spaces for women victims of violence,⁵² and preference must be given to the expansion of the latter, rather than adapting the former. That being said, GREVIO also takes note of the reports concerning incidents where police officers directed women to domestic violence shelters even though they did not belong to the target group for these services, such as homeless women, endangering the secrecy of shelter addresses.⁵³

126. GREVIO strongly encourages the Estonian authorities to:

- a. increase the capacity of domestic violence shelters providing safe accommodation;**
- b. ensure equal access to specialist women's shelters and other specialist services for all women victims of violence covered by the Istanbul Convention in need of such services, including women with disabilities and women with addiction issues.**

F. Telephone helplines (Article 24)

127. GREVIO welcomes the establishment of a state-wide crisis helpline for victims of violence against women, which is accessible 24/7 free of charge by both telephone and chat. The helpline is financed by the state and operated by the Social Insurance Board. GREVIO welcomes the information provided by the authorities that the specialists responding to inquiries receive training on all forms of violence against women and provide information, counselling and referrals to available services nearby. The helpline operates on the principle of confidentiality and provides the option to stay anonymous to victims of violence against women if they so wish. While assistance is provided in Estonian, Russian and English, GREVIO was made aware of the fact that psychological counselling is not always available 24/7 to Russian-speaking victims of violence against women due to an insufficient number of specialists. GREVIO notes that, in 2019 and 2020 respectively, 4 617 and 4 657 women benefited from the services provided by the helpline.

128. GREVIO encourages the Estonian authorities to ensure the round-the-clock provision of services, including psychosocial counselling, to all victims of violence against women with due regard to the language barrier that non-Estonian-speaking women may face.

G. Support for victims of sexual violence (Article 25)

129. GREVIO commends the establishment in 2014 of sexual assault centres (SACs) in Estonia with a view to providing standardised and multidisciplinary support and assistance for sexual assault victims in accordance with the Istanbul Convention. Currently there are four SACs, covering the northern, southern, eastern and western regions of Estonia.

130. SACs offer round-the-clock services for victims of sexual violence. Victims can seek the services provided by SACs through self-referral or referral by the police or victim support services.⁵⁴ They can be accompanied by a person of their choosing.

52. See GREVIO evaluation report on France, paragraph 154.

53. Information obtained during the evaluation visit.

54. According to the information obtained during the evaluation visit, 40% of the victims come to the SACs via self-referral and the rest are referred by other professionals.

131. Sustainable funding of the SACs is ensured by the Social Insurance Board, which covers the expenses of the sexual violence experts as well as the general medical staff who are on duty 24/7 and alert the sexual violence experts when a victim arrives. The Health Insurance Fund covers the remaining staff expenses, rooms and equipment and medical tests (including for sexually transmitted diseases), while the Ministry of Justice funds the evidence-collection kits.

132. SACs operate on the basis of standardised guidelines and protocols and provide psychological support and preliminary counselling, medical examination, 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, referrals to expert psychologists and support in reporting the offence to the police, if the victim so wishes. SACs also collect forensic evidence upon the explicit consent of the victim provided that the victim arrived at the centre within seven days of an incident. The collected evidence, including specialist DNA kits, are stored for a minimum of six months at SACs and for a longer period of time depending on the availability of suitable storage, during which the victim may decide on whether or not to pursue criminal proceedings against the perpetrator.

133. The Estonian Barnahus also provides holistic support to girls who have been victims of sexual violence by bringing together criminal justice, social welfare and medical professionals in a child-friendly and safe environment. It brings under one roof all relevant professionals. The Barnahus model enables the relevant professionals to obtain the necessary information and evidence without re-traumatising the child victim and to provide support, including medical and therapeutic assistance, to the child.

H. Protection and support for child witnesses (Article 26)

134. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children who were present. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

135. Research has shown that children who witness violence by one parent against the other often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.⁵⁵ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

136. Under the Child Protection Act, local governments are under the obligation to immediately assess a child's need for assistance and take suitable measures in cases where the well-being of a child is threatened, which includes the exposure of the child to domestic violence both as a victim and a witness.

137. The women's shelters run by NGOs also provide services for child victims of domestic violence, including safe temporary accommodation alongside their mothers and initial crisis counselling. If the child needs further assistance which is not provided by the domestic violence shelters, such as long-term psychological counselling or psychotherapy, shelters co-operate with the local authorities in order to ensure the provision of necessary services.

55. "Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, VAW Net, available at: http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

138. A nationwide Children's Helpline also provides round-the-clock services free of charge for all matters concerning children, including witnessing domestic violence. In addition to providing specialist counselling and information on other available support services, the specialists responding to enquiries make contact with other authorities, including child-protection services, the police or the local authorities, when the child's health or safety is in danger.

139. GREVIO welcomes the proposal by the Ministry of Social Affairs in 2020 to expand the trauma-informed, multidisciplinary services offered by the Barnahus to child victims of domestic violence, while also acknowledging that considerable resources are required to respond to such an increase in the target group of the Estonian Barnahus system.

I. Reporting by professionals (Article 28)

140. The Estonian Law of Obligations provides that healthcare professionals and persons participating in the provision of healthcare services shall maintain the confidentiality of information regarding the identity of patients and their state of health which has become known to them in the course of performing their duties. The law however sets out an exception to this obligation in cases where the failure to disclose information could result in significant harm to the safety and health of the victim. Accordingly, healthcare professionals are under an obligation to inform the relevant authorities, including victim support services and the police, with a view to protecting the victim from being exposed to further violence.

141. GREVIO points out that the requirement deriving from Article 28 of the convention is carefully worded so that when there are reasonable grounds to believe that a serious act of violence has been committed and other such acts can be anticipated, professionals may report their suspicions to the relevant authorities without risking punishment for a breach of their duty of professional secrecy. This provision does not impose an obligation to report. While GREVIO notes that the imposition of reporting obligations on professionals does not run counter to Article 28 of the Istanbul Convention, blanket reporting obligations may raise issues around the provision of victim-centred and gender-sensitive support services. Mandatory reporting may in fact constitute a barrier to seeking help for women victims who do not feel ready to initiate formal procedures and/or fear the consequences of reporting for them or for their children (for example, retaliation from the abuser, financial insecurity, social isolation or the removal of children from their care). Where the authorities have introduced mandatory obligations for professionals, GREVIO notes that these should allow for the balancing of the victim's protection needs – including those of her children – with respect for the victim's autonomy and empowerment and should thus be circumscribed to cases in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. In these cases, reporting may be made subject to certain appropriate conditions, such as the consent of the victim, with the exception of some specific cases, for example where the victim is a child or is unable to protect her/himself because of disabilities.

142. **Recalling the principle of women's empowerment mainstreamed throughout the Istanbul Convention, GREVIO encourages the Estonian authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself because of disabilities.**

V. Substantive law

143. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

144. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the convention).

145. The Estonian State Liability Act sets out the conditions and procedures for the restoration of rights and compensation for damages that stem from the exercise of powers of public authority and performance of other public duties.⁵⁶ The Code of Ethics for Officials also acknowledges the possibility to seek compensation for damages caused by an illegal decision of a public official under the state liability scheme. Accordingly, in the event of a negligent act or omission of a public official at either national or local level, a person may file a claim for the repeal of an administrative act, for the termination of a continuing measure, for a refrain from the issuing of an administrative act or taking of a measure, or for compensation for damages or the return of goods or money received without legal basis in a public law relationship. Claims under this act may be submitted to the administrative authority which caused the damage or an action may be filed with the administrative courts, while applications for compensation of damages caused by courts must be directed to the Ministry of Justice. The state may in turn issue a recovery claim against the official in question.

146. Moreover, victims may file a complaint with the Chancellor of Justice, who is mandated to deal with individual complaints concerning alleged violations of rights and freedoms by state officials.

147. GREVIO notes with satisfaction the remedies available to victims of violence against women under the State Liability Act to challenge the negligent and intentional acts of public officials. However, in the absence of disaggregated data on the number of claims issued by victims of violence against women, the nature of the impugned act and the outcome of the proceedings, GREVIO could not assess the efficiency of the state liability scheme in providing redress for the failure of the state authorities to act in domestic violence cases or cases of any other form of violence covered by the convention.

148. **GREVIO encourages Estonian authorities to collect data on the number of complaints by victims and their outcomes with a view to measuring the efficiency of the existing remedies to hold different state officials accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention.**

56. Estonian State Liability Act, available at: www.riigiteataja.ee/en/eli/515112013007.

2. Compensation (Article 30)

149. In Estonia, victims of any form of violence against women covered by the Estonian Criminal Code can seek compensation from the perpetrator in the course of criminal proceedings or by launching civil proceedings. A state compensation scheme is also provided for in the Victim Support Act for any intentional or negligent violent act that resulted in the death of the victim, severe bodily injury or a health problem that persisted for at least four months. The responsible state authority for the state compensation scheme is the Social Insurance Board, which delivers its decision on compensation claims in approximately one month.

150. The state compensation scheme covers 80% of the material damage suffered with a maximum limit of €9 590 per victim or all of her dependents. Filing a criminal complaint against the perpetrator is a prerequisite for applying for state compensation unless the perpetrator cannot be identified; however, the victim is not obliged to seek compensation from the perpetrator before doing so.

151. GREVIO further notes with regret that no information is available on the number of issued and accepted compensation claims against the perpetrators. As for state compensation, according to the authorities, the number of women victims compensated under this scheme remains rather low. For example, in 2020, compensation was granted in only 12 cases out of 42 lodged before the Social Insurance Board by women victims of domestic violence. The total amount of compensation awarded to these victims was €24 807; however, GREVIO notes that data on compensation awarded to the family members of deceased victims are not available.

152. **GREVIO strongly encourages the Estonian authorities to assess the adequacy and effectiveness of different compensation schemes provided for in the Estonian legal framework by collecting data on:**

- a. **the number of criminal and civil cases in which perpetrators have been ordered to pay compensation to a victim of any of the forms of violence against women covered by the Istanbul Convention;**
- b. **the number of cases in which state compensation is paid to the dependents of deceased victims of violence against women.**

3. Custody, visitation rights and safety (Article 31)

153. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

154. Article 558 of the Estonian Civil Procedure Code provides that courts have an obligation to consider whether one parent has been violent against the child or other parent in cases concerning the exercise of parental rights. Moreover, GREVIO notes with satisfaction that according to a decision delivered by the Supreme Court of Estonia, the parental rights of a parent may be terminated if the said parent has a harmful effect on a child, which includes not only the parent's violent or threatening behaviour towards the child but also such behaviour towards people close to the child, including the other parent. In this respect, for example, making threatening phone calls was considered to have a harmful effect on the child, although the child might not know the exact content of the phone calls.

155. On the other hand, GREVIO notes with regret that the draft amendments to the Family Law Act, presented to the public in 2020 and designed to introduce the presence of intimate partner violence as a determining factor in custody and visitation proceedings, were not accepted eventually. The proposed amendments also introduced the requirement to pay special attention on the enforcement of visitation and contact rights 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.

156. Child-welfare officers who receive mandatory training on domestic violence are involved in the decision-making process on custody and visiting rights. In practice, however, GREVIO notes that according to observations from women's rights groups and NGOs, the experience of violence by one parent against the other in the past and its impact on contact around visitation and custody is minimised, resulting in courts prioritising the perpetrator's right to contact with their child over the right of the victims to be safe from all violence.⁵⁷ In this connection, GREVIO recalls that domestic violence does not necessarily end with separation of the parties, rather, it often intensifies when the victim decides to leave a violent partner, and, in extreme cases, domestic violence following separation may be lethal for women and children. It underlines therefore the need for a careful screening of all custody and visitation cases to determine whether there is a history of violence and thus a likelihood for post-separation abuse and points to the need for more effective training and support to be provided to family law judges in this respect.

157. GREVIO is also concerned that Estonian courts apply the concept of parental alienation despite the fact that it does not make it possible to take account of intimate partner violence and the ensuing threats to women's and children's safety, which can lead to harmful effects, including the death of numerous victims.⁵⁸ Although GREVIO has not identified any official text in Estonia which makes reference to the concept of parental alienation, according to judges it is one of the many factors taken into consideration to determine the outcome of often complex custody and visitation cases. GREVIO stresses the high risk of this and related notions contributing to violence against women and their children remaining undetected and/or contested since they ignore the gender-based nature of domestic violence and essential aspects of child welfare. Therefore, more must be done to ensure that all professionals dealing with the determination of custody and visitation rights are trained in the root causes of domestic violence, its gendered nature and the power and control dynamics employed by domestic abusers to enable professionals to act in the full spirit of Article 31 of the convention.

158. GREVIO urges the Estonian authorities to take the necessary measures to ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights and to assess whether such violence would warrant restricting custody and visitation rights. To this end, the Estonian authorities should:

- a. take measures to incorporate a systematic process for screening cases related to the determination of custody and visitation rights to determine whether violence has been an issue in the relationship and whether it has been reported;**

57. See submission made by the Estonian women's Support and Information Center, p. 8.

58. See the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of "parental alienation syndrome" (PAS) and "parental alienation" (PA) are unsuitable for use in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists.

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- b. **duly investigate any report of violence, by improving co-operation with criminal courts and any relevant bodies, including, but not limited to, law-enforcement agencies, health and education authorities and specialist women’s support services;**
 - c. **incorporate risk-assessment procedures in the determination of custody and visitation rights in order to determine the best interests of the child;**
 - d. **ensure that only those professionals, particularly psychologists and child psychiatrists, who are attuned to the issue of violence against women and the requirements of the Istanbul Convention can be appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;**
 - e. **ban the use by court-appointed experts, social workers and courts of unfounded concepts related to “parental alienation”, as well as any other approach or principle, such as the “friendly parent provision”, which tend to consider mothers who invoke the violence as “unco-operative” and “unfit” as a parent, and to blame them for the poor relationship between a violent parent and his children;**
 - f. **build safeguards into the procedures, such as offering parents separate appointments and creating separate waiting areas in courts, to take into account the imbalance of power between the victim and the perpetrator and to prevent the risk of revictimisation;**
 - g. **ensure an appropriate use of the legal provisions which allow reducing, lifting and/or subjecting to safeguards the perpetrator’s custody and visitation rights whenever a situation of violence is ascertained and promote the determination of custody and visitation rights on a provisional basis until all reported facts of violence against women are properly assessed.**

Such measures should be accompanied by the provision of appropriate training and the development of professional guidelines, aimed at raising awareness among the professionals concerned as to the harmful effects of violence on children, including child witnesses, and at familiarising them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. These guidelines should replace existing methodologies and guidelines which tend to reduce violence to a conflict, promote mediation without due account of the violence and resort to unfounded concepts such as “parental alienation” which prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence. Progress in this field should be measured by data and analyses of case law illustrating how family courts consider incidents of violence and how they justify their decisions on custody and visitation rights.

4. Civil consequences of forced marriages (Article 32)

159. Article 32 of the Istanbul Convention requires that “Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim”. The aim of this provision is to ensure that where women and girls free themselves from marriages concluded without their free consent, they do not have to bear any consequences regarding their civil status.

160. In Estonia, forced marriages are criminalised only in the context of human trafficking and in relation to minors.⁵⁹ Under Article 9 of the Estonian Family Law Act, the annulment of a marriage can be requested from the courts if the requirement concerning the minimum age for marriage was violated at the time of the marriage. Similarly, the same provision provides that annulment of marriages concluded without the free consent of one or both of the spouses or as a result of a threat can be requested by the spouse whose consent was not freely given. According to Article 13 of the Family Law Act, the limitation period for introducing a civil claim shall not be applied in cases of annulment of marriages. Upon the annulment, the marriage is considered to have been void from the very start. Legal aid may be granted to the applicant seeking to annul the marriage if he or she is unable to pay the procedural expenses due to his or her financial situation or is able to pay them only in part or in instalments. No information was made available on the application of Article 9 of the Family Law Act to enable GREVIO to assess whether these options are used in practice and if so to what effect. It is also unclear to what extent women and girls are aware of the possibility of obtaining an annulment of a marriage under Article 9 of the Family Law Act. In this respect GREVIO notes the importance of dissemination of information about the legal measures available to victims of all forms of violence against women.

B. Criminal law

1. Psychological violence (Article 33)

161. The Estonian Penal Code criminalises certain offences which are applicable to different aspects of psychological violence as defined by Article 33 of the Istanbul Convention. In this respect, Article 118 of the Penal Code on causing serious health damage criminalises conduct that leads to a severe mental illness. Article 120 of the Penal Code, which governs the offence of threat, provides that threats to kill, cause health damage or cause significant damage to or destroy property are punishable by a fine or up to one year of imprisonment so long as there are reasonable grounds to believe that the threat may materialise. According to the authorities, Article 121 of the Penal Code, which governs physical abuse and criminalises causing damage to the health of another person, could also be applied to incidents of psychological abuse as health is interpreted to include mental well-being.

162. Information received by GREVIO indicates that most cases of domestic violence are prosecuted in connection with physical violence and a relatively small percentage are prosecuted as threat.⁶⁰ It is however not possible to determine whether any of the cases prosecuted under physical abuse involve psychological violence either exclusively or in combination with physical violence. According to civil society organisations, Article 121 on physical abuse is rarely applied by criminal justice professionals to cases of psychological abuse despite the prevalence of the issue.⁶¹

163. This may result from the fact that the existing provisions in Estonian criminal legislation do not adequately capture the course of conduct which Article 33 aims for (see paragraph 181 of the Explanatory Report). While Article 118 of the Penal Code would require proof of a severe mental illness arising from the conduct, which may not be the case for many victims of domestic violence, Article 120 sets the threshold very high by requiring the threat to kill or the threat to damage property or cause harm to health. GREVIO notes with concern that the requirement under Article 120 of the Penal Code for the victim to have reasonable grounds to fear for their safety or life may open the door to varied interpretations and undermine the

59. See Forced Marriage (Article 37).

60. According to the submission by the Women's Support and Information Centre, 84% of domestic violence cases were classified as cases of physical abuse and 11% were threat cases.

61. *Ibid.*, p. 9.

severity of the problem. Explicit threats of harm and death are often concurrent with other forms of violence, distress and fear, all of which are aspects of coercive control in a relationship. GREVIO emphasises that studies⁶² have shown that coercive control undermines the victim's physical and psychological integrity, as it is ongoing rather than episodic. When coercion and control occur together, the result is a "condition of unfreedom" that is experienced by victims as entrapment. In essence, the existing criminal offences in the Estonian Penal Code do not correspond to all acts that seriously impair the psychological integrity of a person as required by Article 33. They do not encompass a course of conduct which might consist of several incidents of conduct of a lower intensity, which often form part of the pattern of abuse in domestic violence situations and which is what Article 33 of the Istanbul Convention seeks to capture. GREVIO is concerned that there is both a lack of understanding by police and prosecutors of the seriousness of death threats and a lack of specific training for the criminal justice authorities on using the existing criminal offences in these situations.

164. GREVIO urges the Estonian authorities to revise Article 120 of the Estonian Penal Code governing the offence of threat to respond to the requirements of Article 33 of the Istanbul Convention.

165. GREVIO strongly encourages the Estonian authorities to effectively investigate, prosecute and punish acts of psychological violence by making full use of the available provisions in the Estonian Criminal Code, including by ensuring prosecution under Article 121 of the Penal Code in cases of psychological violence in the domestic context, and to increase awareness, including through training, among law-enforcement officials, judges and other relevant professionals of the gendered nature and consequences of psychological violence as one of the most prevalent forms of violence against women in Estonia,⁶³ as well as to review the existing case law in order to examine whether the available provisions are adequately used in practice.

2. Stalking (Article 34)

166. GREVIO welcomes the introduction of a specific offence of stalking into the Penal Code in 2017. The definition of stalking under Article 157, paragraph 3, of the Penal Code includes 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 a person in another manner, if the intent or effect thereof is to intimidate or humiliate the other person or disturb him or her in any other manner. GREVIO welcomes that the ratification of the Istanbul Convention prompted Estonia to establish a specific criminal offence for stalking in compliance with the definition provided by Article 34 of the convention. GREVIO further notes with satisfaction that Article 157, paragraph 3, of the Penal Code is not only applied to cases of physical stalking but also to stalking carried out online or via the use of digital technologies.

3. Physical violence (Article 35)

167. The Penal Code of Estonia contains a wide range of offences encompassing different forms of physical violence, including Article 113 on manslaughter, Article 114 on murder, Article 117 on negligent homicide and Article 121 on physical abuse.

168. Of particular relevance to domestic violence is the aggravated factor contained in Article 121 on physical abuse, which provides a heavier punishment in cases where the offence is committed within a close relationship. GREVIO welcomes this provision, which is in

62. Stark E. (2007), *Coercive control: How men entrap women in personal life*, Oxford University Press, New York.
63. The Strategy for Preventing Violence for the period 2015-2020 states that "In Estonia, women have encountered markedly more psychological violence committed by their intimate partner". Accordingly, the rate of psychological violence is 50% in Estonia whereas the EU average is 43%.

accordance with Article 46 of the Istanbul Convention, and furthermore notes with satisfaction that children who witness intimate partner violence in their home are recognised as victims of domestic violence and included in data and statistics collected by the authorities as such.⁶⁴

169. Recalling that Article 35 also encompasses violence resulting in the death of the victim, GREVIO notes that data on women murdered by their husbands/partners or ex-husbands/partners are collected by the authorities under Articles 113 to 117 of the Penal Code. Accordingly, in 2020, 14 women were murdered in a domestic violence context compared to seven in 2019. GREVIO welcomes the information provided by the authorities that serious cases of domestic violence are analysed by the Police and Border Guard Board with a view to preventing similar occurrences in the future. While GREVIO notes that the analysis of domestic violence cases resulting in death or serious harm led to the adoption of the MARAC model in 2017, it was not able to obtain any information on the findings of more recent assessments looking at the increase in the number of gender-related killings of women, including whether any shortcomings in the response of institutions are being identified, for example in situations where the victim reported violence to institutions prior to being murdered, and whether any measures are being put in place to address the identified shortcomings.

170. **GREVIO strongly encourages the Estonian authorities to step up their efforts to examine cases of domestic violence that lead to the death of the victim, with the aim of identifying possible gaps in the institutional/judicial response to violence and closing such gaps in the future.**

4. Sexual violence, including rape (Article 36)

171. The Penal Code of Estonia provides for sexual offences to be criminalised under a number of provisions. Article 141 on rape includes sexual intercourse or other acts of a sexual nature with a person against the latter's will by using force or by taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation. On the other hand, Article 143 governs instances of sexual violence that are committed without the use of force but by taking advantage of a dependency relationship or where the victim is less than 18 years of age, by abusing a relationship of confidence. Article 145 of the Penal Code further criminalises engagement in sexual intercourse or other acts of sexual nature by an adult person with a person younger than 14.

172. GREVIO regrets that Article 141 of the Penal Code requires that in order for non-consensual sexual behaviour to constitute rape, force must be used in the commission of the act or the perpetrator must take advantage of the victim's inability to put up resistance. In this respect, GREVIO recalls that according to Article 36 of the Istanbul Convention, rape and sexual violence provisions must be based on the notion that consent must be given voluntarily as the result of a woman's free will and assessed in the context of the surrounding circumstances. GREVIO highlights in this context that research on the neurobiology of sexual trauma, conducted on victims of rape, shows that "freezing" (known as "tonic immobility") is a common reaction by victims associated with subsequent post-traumatic stress disorder (PTSD) and severe depression.⁶⁵

64. For example, in 2020, 27% of the domestic violence cases reported to law-enforcement authorities included children as victims of such violence, which also includes witnessing intimate partner violence between parents in addition to corporal punishment, child sexual abuse, etc. Data available at: www.kriminaalpoliitika.ee/kuritegevus2020/perevagivald-ja-ahistamine.

65. Research studies show that a substantial number of victims do not resist the perpetrator in any way: tonic immobility is described as an involuntary, temporary state of motor inhibition in response to situations involving intense fear. In various studies, significant immobility was reported by 37% to 52% of sexual assault victims. See Moller A., Sondergaard H. P. and Helstrom L. (2017), "Tonic immobility during sexual assault – a common reaction predicting post-traumatic stress disorder and severe depression", *Acta Obstetricia et Gynecologica Scandinavica*, 2017; 96: pp. 932-93.

173. GREVIO also notes that under the Estonian Penal Code, the capacity to consent to sexual acts varies on the basis of a number of factors, including for example age, dependency and victim–perpetrator relationship. In many circumstances, they preclude valid consent resulting in sexual intercourse without the woman’s consent in the same way as the use of force and threats does. In this respect, GREVIO warns against the creation of a hierarchy of victims on the basis of their characteristics and calls for appropriate legislative measures to send the message that rape is rape. Where the circumstances of the act are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act. GREVIO is thus of the opinion that a comprehensive reform of all sexual offences is urgently needed. The aim should be to base sexual offences on the absence of freely given consent as required by Article 36 of the convention. GREVIO is encouraged that adopting a consent-based rape definition was one of the issues addressed within the scope of discussions on increasing the age of consent that took place in Estonia in 2021. It is hopeful that these discussions will be pursued and lead to the necessary legislative amendments.

174. GREVIO urges the Estonian authorities to speedily reform all sexual offences contained in the Estonian Penal Code to fully incorporate the notion of freely given consent as required by Article 36 of the Istanbul Convention and to ensure appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent.

5. Forced marriage (Article 37)

175. In 2017, the Estonian Penal Code was amended to criminalise forced marriages as a form of human trafficking with respect to minors. Under Article 175 of the Penal Code, such conduct is defined as influencing a person of less than 18 years of age for the purpose of gaining economic benefits or marrying against that person’s will.

176. While the Istanbul Convention does not require establishing specific offences for each form of violence against women, its aim is to help parties create the necessary legal framework to ensure robust intervention and prosecution by law-enforcement agencies. In this respect, GREVIO notes with regret that Article 175 of the Penal Code leaves out multiple necessary elements required by Article 37 of the Istanbul Convention to adequately criminalise this form of violence against women. First, GREVIO notes that adult victims of forced marriages are excluded from the scope of this offence. Moreover, while the wording of the law covers instances where a child victim is forced or influenced to marry against her will, it does not appear to criminalise the conduct of luring the victim to another country with the purpose of forcing her to enter into a marriage, as required by Article 37, paragraph 2, of the Istanbul Convention. GREVIO recognises the potential overlap between forced marriage and trafficking in human beings. Forced marriage may be linked to sexual exploitation, labour exploitation and to financial and other benefits to the wider family, such as immigration sponsorship. It should also, however, be a stand-alone offence.

177. While GREVIO understands that the incidence of forced marriages in Estonia is estimated to be relatively low, in the absence of data indicating the number of reports to either social services or law enforcement, it is difficult to assess the prevalence of this problem in the country with accuracy. GREVIO thus notes the importance of engaging in research and awareness-raising activities in relation to this form of violence and to empower women and girls to seek support, including from social services and healthcare professions.

178. **GREVIO strongly encourages the Estonian authorities to amend the Penal Code in order to align it more closely with the requirements of Article 37 of the Istanbul Convention, notably by criminalising the forcing of an adult into a marriage and by criminalising the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage, as required by Article 37, paragraph 2.**

179. **GREVIO invites the Estonian authorities to consider introducing a specific criminal offence of forced marriage to cover the special nature of these offences and to make it operational for law-enforcement authorities and courts.**

6. Female genital mutilation (Article 38)

180. Article 118¹ of the Estonian Criminal Code criminalises the disabling genital mutilation of a woman or a girl, 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 the offence provided under Article 118 of the Penal Code on causing health damage which results in, among other things, the loss or cessation of the functioning of an organ. GREVIO notes with concern that the “disabling” requirement in the letter of the law narrows the scope of the act in a way that does not meet the requirements of Article 38 of the Istanbul Convention. GREVIO notes that no cases of FGM have been recorded neither under the specific FGM offence nor under the offence of causing permanent health damage to date. In the absence of such data, it is impossible for GREVIO to assess the interplay between these two provisions and their effectiveness in dealing with cases of FGM.

181. There have been no registered complaints about FGM in Estonia; however, GREVIO notes the presence of women refugees and asylum seekers from communities which practise female genital mutilation, albeit low in number. GREVIO highlights the importance of obtaining more knowledge on this subject as part of a more comprehensive effort to understand the situation of women belonging to the various migrant communities present in Estonia, their specific problems and their exposure to the risk of specific forms of violence such as female genital mutilation.

182. GREVIO encourages the Estonian authorities to align the scope of Article 118¹ of the Penal Code with the requirements of Article 38 of the Istanbul Convention. GREVIO also encourages the Estonian authorities to ensure that Article 118¹ of the Penal Code is implemented in compliance with Art 38 of the convention.

7. Forced abortion and forced sterilisation (Article 39)

183. Article 125 of the Estonian Penal Code criminalises the termination of pregnancy against the will of the pregnant woman, while forced sterilisation is covered by Article 118 on causing harm to health which results in the loss or cessation of the functioning of an organ.

184. The available data indicate that there have been no criminal complaints regarding forced abortion. As for forced sterilisation, it is unclear whether any of the convictions in relation to causing harm to health concern cases of this form of violence against women, therefore it is hard for GREVIO to assess the effective implementation of Article 118 of the Estonian Penal Code.

185. **GREVIO encourages the Estonian authorities to take measures to ensure that the conduct described in Article 39 of Istanbul Convention of performing forced sterilisation on a woman or girl is effectively prosecuted under Article 118 of the Estonian Penal Code.**

8. Sexual harassment (Article 40)

186. Estonia has transposed the EU Directive 2006/54/EC, which prohibits sexual harassment in the workplace. In line with the directive, sexual harassment in the workplace is considered a form of discrimination for which penalties must be established. Outside of the workplace, Article 153, paragraph 1, the Estonian Penal Code criminalises physical sexual harassment which is defined by an intentional physical act of sexual nature against the will of another person committed against him or her with degrading objectives or consequences.

187. Moreover, the Estonian Gender Equality Act prohibits sexual harassment and gender-based harassment as a form of discrimination, which are defined, respectively, as any form of unwanted verbal, non-verbal or physical conduct or activity of a sexual nature and unwanted conduct or activity related to the sex of a person, with the purpose or effect of violating the dignity of a person and of creating a disturbing, intimidating, hostile, degrading, humiliating or offensive environment. GREVIO notes with satisfaction that the definition of sexual harassment is in line with Article 40 of the Istanbul Convention. Under the Gender Equality Act, remedies and compensation for victims of sexual harassment are available through courts or a labour dispute committee when the harassment takes place in the workplace.

188. Despite this comprehensive legal framework, GREVIO notes with concern the observations made by civil society organisations that the sexual harassment offence in the Penal Code is not adequately made use of by law-enforcement and criminal justice officials. According to official statistics, between 2018 and 2020 there were approximately 30 registered cases of sexual harassment each year; however, the analysis of statistics made by the Ministry of Justice does not provide information on the convictions or on the non-criminal sanctions handed down for this offence.⁶⁶ Similarly, no information is available on the use of the remedies provided for in the Gender Equality Act to victims of sexual harassment, including the number of compensation claims from the perpetrator and/or the employer and their outcomes.

189. GREVIO encourages the Estonian authorities to ensure the efficient implementation of criminal or other legal sanctions for sexual harassment both in the workplace and beyond, as well as to strengthen data collection regarding this form of violence against women, covering criminal, civil and disciplinary proceedings.

9. Sanctions and measures (Article 45)

190. GREVIO recalls that sentences and measures imposed for all forms of violence against women should be effective, proportionate and dissuasive.

191. GREVIO notes that while Estonian criminal legislation sets out the imposition of fines for certain forms of violence against women, such as psychological violence, stalking and physical violence, as the lower limit of sanctions, the Penal Code can be generally considered to provide for adequate sanctions for acts of violence against women. It notes with concern, however, that in practice pretrial conditional measures are widely used by public prosecutors and when cases go to court, prison sentences are imposed in only a small number of cases.

192. According to the authorities, conditional sentences are imposed only in cases of minor violations of the law or where the perpetrator is a first-time offender. The authorities also emphasised that the courts usually impose protective supervision as part of a suspended sentence during the probationary period in relation to offences of domestic violence; they may

66. See: www.kriminaalpoliitika.ee/kuritegevus2020/perevagivald-ja-ahistamine.

order the perpetrator to undergo medical treatment (also for alcohol or drug abuse, as the case may be), psychological or other kind of counselling and/or ban him from approaching the victim and any other family member.

193. GREVIO strongly encourages the Estonian authorities to ensure that sentences and measures imposed for domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. This would include ensuring the understanding among the prosecution authorities and the judiciary that dismissals or suspended sentences in domestic violence cases and other forms of violence against women do not serve the principles of ensuring justice for victims, ending impunity for perpetrators or deterrence.

10. Aggravating circumstances (Article 46)

194. Article 58 of the Estonian Penal Code provides a list of aggravating circumstances which judges are required to take into consideration when imposing a sentence,⁶⁷ including the commission of an offence with particular cruelty; degradation of the victim; commission of an offence against a minor, or in the presence of a minor, against a pregnant woman, an elderly person, a person in need of assistance or with a psychosocial disorder, a former or current family member; commission of an offence by a group; and when an offence causes serious consequences for the victim.

195. GREVIO notes that the Estonian Penal Code includes the circumstances listed in Article 46 of the Istanbul Convention with the exception of the use or threat of a weapon, prior convictions and repeated commission of the offence. Incorporating the full list of aggravating circumstances into the Penal Code is essential to make use of the full sentencing range of key offences relevant to violence against women.

196. GREVIO strongly encourages the Estonian authorities to take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are, in practice, considered as aggravating circumstances by the judiciary, and to adopt legislative measures with the aim of expressly including the use or threat of a weapon, prior convictions and repeated commission of an offence in the list of aggravating circumstances.

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

197. In Estonia, the Penal Code envisages a conciliation procedure in criminal matters which is subject to the consent of the injured party and applicable to minor offences committed by first-time offenders. Accordingly, the public prosecutor or courts may suspend the prosecution or trial if the offender fulfils the obligations determined by the victim.

198. According to the authorities, there are sufficient safeguards in place to ensure that the victim gives her informed consent to the conciliation procedure, such as by organising separate meetings with the perpetrator and the victim and by requiring the opinion of a victim support worker who has met the victim. Nonetheless, GREVIO points to the heightened risk of intimidation and retaliation in alternative dispute resolution processes that seek to reach a settlement mutually agreed upon by the injured party and the offender. Victims of many forms of violence, in particular domestic violence, may not enter such processes on a level equal to

67. Article 56 of the Estonian Penal Code provides that "In imposition of a punishment, a court or a body conducting extrajudicial proceedings shall take into consideration the mitigating and aggravating circumstances, the possibility to influence the offender not to commit offences in the future, and the interests of the protection of public order".

that of the perpetrator, and may be (re)exposed to the perpetrator exuding a sense of power and dominance. Those working with the two parties to “settle” the issue must be trained in the power dynamics of domestic violence and its gendered nature. In this respect, GREVIO welcomes the Social Insurance Board’s existing plans to develop guidelines for victim support specialists on conducting conciliation procedures in cases of domestic violence and violence against women and to provide trainings in this regard. The outcome of these initiatives remains to be observed.

199. As regards the use of alternative dispute resolution in civil proceedings, according to Article 4, paragraph 4, of the Code of Civil Procedure, the courts may use discretion in deciding whether to refer the parties to participate in conciliation procedures in custody and visitation proceedings. According to the information available, the courts take into consideration the presence of domestic violence committed by one parent towards the other when referring the case to conciliation or informing the parties about the availability of this option.⁶⁸

200. Concerns have been raised by civil society that the courts encourage the settlement of disputes concerning custody or visitation rights even in cases involving domestic violence and that there is an ongoing need to train child-protection specialists, social workers, lawyers and judges on the specifics of cases involving domestic violence.⁶⁹ GREVIO recalls that violence between partners is indicative of a power imbalance in the relationship which may impair the ability to negotiate fairly and come to a mutually acceptable agreement. A woman who has been a victim of domestic violence will usually need specific support to negotiate agreements with the other parent who has been violent. However, the available information does not indicate that such precautions are taken systematically.

201. GREVIO strongly encourages the Estonian authorities to uphold and effectively enforce the ban on mandatory reconciliation in divorce proceedings where there is a history of domestic violence, including by developing guidelines and providing training on methods for screening family law cases for domestic violence.

68. State report submitted by Estonia, p. 44.

69. Submission made by the Women’s Information and Support Center, p. 8.

VI. Investigation, prosecution, procedural law and protective measures

202. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

203. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

204. In Estonia, all police stations deal with cases of domestic violence, and complaints can be brought to police stations across the country. However, while police officers specialised in investigating cases of domestic violence exist in certain regions, smaller police stations are staffed with police officers who work on all types of cases without any degree of specialisation. As a result, police responses to reported incidents of domestic violence vary significantly across the country. It is unclear whether any guidelines or protocols exist for all law-enforcement officers, specialised or not, that would ensure a certain degree of standardisation, including in responding to and collecting evidence for digital expressions of intimate partner violence. Moreover, GREVIO notes that there are no police officers specialised in other forms of violence against women, including sexual violence. According to the information obtained by GREVIO, the ratio of female to male officers in the Estonian police force is 45% to 55% and in the majority of police stations victims may be interviewed by a female police officer if they so wish.⁷⁰

205. According to prevalence studies, 20% of ever-partnered women aged 18 to 74 have experienced intimate partner physical and/or sexual violence at least once in their lifetime. However, according to the same studies between 10% and 19% of these cases go unreported. GREVIO notes with concern that in Estonia violence against women continues to be underreported despite the high rate of trust in police forces revealed by a survey commissioned by the European Union.⁷¹ In this connection, it emphasises that the way in which law-enforcement officers respond to victims is one of the critical factors that may contribute to determining whether a victim decides to report and chooses to participate in further legal action or abandons it. In this respect, GREVIO welcomes the ongoing efforts of the Estonian authorities to increase the capacities of police officers to adopt a victim-centric and trauma-sensitive approach in dealing with victims of violence against women to avoid their secondary victimisation.⁷²

70. Information obtained during the evaluation visit.

71. Accordingly, 80% of Estonians stated that they trust the police. See, among other things, the GRECO 5th round evaluation report on Estonia, p. 34.

72. Information obtained during the evaluation visit.

206. Sexual violence is underreported, according to women's NGOs.⁷³ In cases of sexual violence, GREVIO stresses the importance of the immediate forensic examination of victims and the swift collection of evidence. While the sexual assault centres established in all major hospitals across Estonia ensure the collection of evidence in a victim-sensitive manner, experts in the field have alerted GREVIO to the fact that not all police officers are trained in interviewing victims of sexual violence, because this does not form part of their mandatory training.⁷⁴ Therefore, the way in which a victim is treated depends on individual police officers. GREVIO notes in this connection that certain factors such as not having the option to be interviewed by a female officer, a lack of privacy in interview rooms or not being interviewed in a trauma-informed manner may have a discouraging effect on the willingness of a rape victim to report. GREVIO also notes that information provided by civil society organisations on individual cases of sexual harassment reveal that prejudices and discriminatory attitudes prevail among police officers and result in the treatment of victims in an insensitive manner.⁷⁵

207. From the above, GREVIO notes with concern that more must be done to ensure a prompt and appropriate response from the responsible law-enforcement agencies in relation to all forms of violence covered by the Istanbul Convention. This would require a variety of measures, including targeted specialist training of police officers. Further, GREVIO has previously repeatedly stressed the importance of developing capacities of police officers to proactively and rigorously collect all relevant evidence in addition to the victim's statement,⁷⁶ such as documenting injuries (with the consent of the victim), taking photos of the crime scene, collecting DNA samples, taking statements from neighbours and other potential witnesses, etc. This is especially important in the context of ensuring *ex officio* prosecution of crimes of violence against women, as required by Article 55 of the convention.

208. GREVIO urges the Estonian authorities to step up efforts to ensure prompt and appropriate responses from law-enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention, in particular by:

- a. developing/revising binding guidelines and training to improve the effectiveness of investigations and to equip law-enforcement agencies with the necessary skills to deal with all women victims of violence, including victims of sexual violence, while applying a victim-centred and gender-sensitive approach;**
- b. taking measures to reduce the re-traumatisation of women who report any of the forms of violence against women, including intimate partner violence, sexual violence and rape, stalking and online and technology-facilitated violence against women;**
- c. equipping law-enforcement agencies with the knowledge and means to respond to and investigate digital manifestations of violence against women and domestic violence.**

209. GREVIO further invites the Estonian authorities to continue promoting effective and proactive law-enforcement investigations and evidence collection, including photographic documentation of injuries and other evidence in alleged cases of violence against women.

73. Submission made by the Women's Information and Support Center, p. 10.

74. Information provided during the evaluation visit.

75. Submission made by the Women's Information and Support Center, p. 12.

76. See GREVIO baseline evaluation reports on Austria, France, the Netherlands, Spain and Turkey in the Mid-term horizontal review of GREVIO baseline evaluation reports, 2021, paragraph 444.

2. Effective investigation and prosecution

210. In Estonia, investigations are carried out by law-enforcement officers acting under the supervision of prosecution services, who have the authority to initiate or continue criminal proceedings in cases of violence against women and girls that come within the remit of the Istanbul Convention. Domestic violence cases are handled by specialised prosecutors and GREVIO welcomes the creation of a new position in 2019 for a public prosecutor to harmonise the procedures and practices for processing domestic violence cases.

211. According to submissions from civil society, these efforts often do not result in the continuation of criminal proceedings as the prosecutors are reported to direct the victim and perpetrator towards pretrial conciliation procedures in the majority of cases with a view to ensuring some form of sanction, namely placing the perpetrator on probation or probation with supervision of conduct.⁷⁷ GREVIO notes that the safety of victims of violence against women and girls must always be the prosecutors' primary concern in any decisions taken by them and therefore in such cases prosecutors should be extremely cautious when considering diverting cases away from the formal criminal courts. Prosecutorial discretion in domestic violence cases resulting in diversion from the criminal justice system has not been studied in Estonia, nor have its effects on the level of reporting by victims. While a criminal justice response is not the only response to be pursued in cases of violence against women, it is important to ensure accountability for criminal acts to send the message that violence against women is not acceptable. Placing a perpetrator of domestic violence on probation may, in some cases, be useful, in particular for first-time offenders, but the very low number of cases brought before the criminal courts suggests that criminal proceedings for domestic violence are the exception rather than the norm. The reasons for this approach must be carefully analysed and subsequently remedied in order to send the message that domestic violence is a criminal offence.

212. **GREVIO urges the Estonian authorities to ensure that prosecution services resort to all possible measures, including by pursuing criminal charges, in order to provide criminal justice for victims of all forms of violence against women covered by the Istanbul Convention, while paying due regard to the specifics of each individual case.**

3. Conviction rates

213. According to information revealed by the most recent analysis⁷⁸ of domestic violence statistics, in 2019, out of 3 264 intimate partner violence cases reported to investigating authorities, 2 128 were terminated at the pretrial stage by public prosecutors and 1 136 were brought before the courts. GREVIO notes that the number of proceedings terminated because of probation or conciliation of the parties is higher than the number ended for procedural reasons.⁷⁹ When a perpetrator is placed on probation, the perpetrator is ordered to comply with certain measures, such as refraining from alcohol and substance use or participating in perpetrator programmes.

214. When proceedings have reached the trial stage, GREVIO notes that in 42% of these 1 136 cases brought before the courts the sentence was suspended while obliging the perpetrator to comply with non-custodial measures, such as attending a substance abuse treatment programme. In 21% of cases the sentence was suspended without supervision;

77. Ibid., p. 13.

78. The overview of statistics on intimate partner violence can be found here, in Estonian: www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/menetlus-ja_karistuspraktika_lahisuhtes_kehalise_vaarkohtlemise_juhtumites_veebi_0.pdf.

79. Approximately 60% of prosecutions were terminated as a result of probation or conciliation. Accordingly, in 565 offences the perpetrator was placed on probation with supervision, while in 468 cases the parties reconciled.

in 11% of cases imprisonment was replaced with community service of between 166 and 950 hours; and 3% were punished with a fine of between €430 and €2 000. In 21% of cases, the perpetrators were released on parole without supervision after an average of seven months' imprisonment. Only in 23% of the cases was the perpetrator sentenced to an average of 12 months' imprisonment. GREVIO is gravely concerned about the information on the outcome of investigations and criminal proceedings and recalls that a core aim of the convention is to end impunity for criminal acts related to violence against women. GREVIO also regrets that while the courts have the possibility to impose electronic surveillance on the perpetrator for a period of one to 12 months, this sanction is rarely used in practice.

215. In respect of sexual violence, GREVIO notes that less than half (46%) of registered rape cases are referred to court; of those, about three quarters (74%) end in a conviction.⁸⁰

216. On the other hand, GREVIO welcomes the information provided by the Estonian authorities that shows that the criminal courts have handled numerous cases involving the digital dimension of violence against women, such as cyberstalking by partners or ex-partners through the use of child monitoring applications and image-based abuse.⁸¹ GREVIO, however, was not provided with information on the outcome of these cases.

217. A 2015 research project revealed that, according to 40% of practising judges, the low conviction rates in domestic violence cases are due to some victims recanting their initial testimony. Around 30% of judges cite difficulties in proving domestic violence cases, while 25% of them believe that domestic violence cases are of secondary significance and that more serious crimes must be prioritised. A small percentage of judges consider that domestic violence cases often do not constitute a crime.⁸² In light of the above, GREVIO stresses the need to increase the level of gender sensitivity of judges with a view to ensuring deterrence, while at the same time taking all possible measures to ensure more robust case building with a view to lessening the overreliance on victims' testimony.

218. GREVIO urges the Estonian authorities to swiftly address any/all factors that contribute to attrition in cases of rape, domestic violence and any other forms of violence against women, and to examine mechanisms and procedures, including through legal amendments, that would remove the centrality of the victim's statement in criminal proceedings in cases related to violence against women, in particular domestic violence against women and sexual violence.

B. Risk assessment and risk management (Article 51)

219. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

220. GREVIO notes with satisfaction that since 2017 the Multi-Agency Risk Assessment Conference (MARAC) has been applied in Estonia to cases of domestic violence in which there is a high risk to life and limb of the victim. Within MARACs, victim support services, the police, the prosecutor's office, NGOs providing specialist services to victims of domestic violence, child-protection services and local governments systematically conduct monthly

80. "Victims of sexual violence in the vicious circle of the Estonian legal system: trial often seems to take place over the victim", available in Estonian at: <https://feministeerium.ee/seksuaalvagivalla-ohvrid-eeesti-oiugussusteemi-noiaringis/>.

81. Information obtained during the evaluation visit.

82. The project "Building a uniform system for the prevention of intimate partner violence in Estonia".

meetings to assess the level of risk in the cases proposed by each MARAC partner and develop a plan to ensure the safety of the victim and her children. Currently there are 19 MARACs covering every county of Estonia. GREVIO notes with interest that this risk-assessment tool and safety-management measures have been systematically applied throughout Estonia.

C. Emergency barring orders (Article 52)

221. According to the police manual for responding to intimate partner violence, patrol units that receive a call about intimate partner violence have an obligation to apply a “ban on stay” where necessary. On the basis of Article 731 of the Police and Border Guard Act, a police officer applies a ban on stay to the perpetrator if there is an imminent risk to the health or life of the victim, if it is necessary to ensure the safety of the victim or to deter or identify a heightened risk. The ban on stay can be implemented for up to 12 hours and includes the removal of the perpetrator from the shared residence. In 2020 the police made use of this measure in 316 cases; however, there is no information available on the measures to ensure the enforcement of these bans or the sanctions imposed as a result of breaching such orders, which GREVIO regrets.

222. GREVIO notes with grave concern the insufficient length of the bans on stay, available in the Estonian criminal legislation. Such orders should be of a temporary nature with the possibility of renewal in the case of continued danger and with longer-term protection being granted by a court through a protection order, upon application of the victim. While the drafters of the convention left it to the discretion of the parties to determine the duration of an emergency barring order, GREVIO stresses that they must be issued for a sufficient period of time to ensure the safety of victims without forcing them to hurriedly seek safety in a shelter or elsewhere. GREVIO stresses that the 12-hour period provided in the Estonian criminal system falls short of giving the victim enough time to report the violence to law-enforcement authorities or seek assistance from available general and specialist support services, including child-protection services.

223. GREVIO urges the Estonian authorities to take the legislative and or policy measures needed to bring the Estonian legal framework and practice in line with Article 52 of the Istanbul Convention with a view to ensuring that “bans on stay” are issued for a sufficient period of time, with the possibility of securing longer-term protection through a restraining order, and to ensure their efficient enforcement, as well as that proportionate and dissuasive sanctions are imposed in cases of violation. The progress in this area should be followed up and periodically analysed based on regularly collected data on the number of orders/“bans on stay” issued, the number of violations of such orders and the number of sanctions imposed as a result of such violations.

D. Restraining or protection orders (Article 53)

224. In the Estonian legal system, restraining or protection orders can be issued by courts in the course of criminal proceedings. Moreover, temporary restraining orders may be issued *ex officio* by public prosecutors in urgent cases, on the condition that they are presented to the approval of competent courts within two days. The temporary restraining orders usually last until the end of criminal proceedings.

225. As a criminal sanction where a perpetrator is convicted, a restraining order may be issued for up to three years. Breaches of a restraining order are punishable by a fine or up to one year’s imprisonment if it is likely to cause a danger to the life, health or property of persons, as are cases of repeated violations.

226. Restraining orders enter into force at the time they are issued and their scope includes communicating with the victim via telephone, social media or other means, approaching the victim or visiting the places designated by the court. The scope of the order may also be extended to cover the victim's children. If the victim and the perpetrator share a common residence, the court may also decide on the removal of the perpetrator from the shared address.

227. Restraining orders were issued 63 times in 2018, 57 times in 2019 and 55 times in 2020. While restraining orders can be issued with respect to all forms of violence against women covered by the Estonian Penal Code, GREVIO notes that the majority of these orders were imposed in domestic violence cases.

228. While GREVIO notes that the scheme in place by the Estonian Penal Code for issuing restraining orders complies with the requirements of the convention, they may fail to provide continuous protection to the victim in combination with emergency barring orders. The shortcomings in this respect, however, stem from the insufficient length of the emergency barring orders, which makes it practically impossible for the victim to report the incident to the police and for criminal proceedings to be launched. Moreover, the low number of criminal proceedings opened in relation to domestic violence cases and the frequent use made of probationary measures suggest that very few victims of domestic violence may in fact benefit from protection orders. GREVIO further notes that punishing breaches of restraining orders is subject to certain conditions, such as the presence of a danger to life and limb or the property of the victim. Combined with the reluctance of the Estonian authorities to monitor the implementation of these orders with electronic bracelets, GREVIO is gravely concerned that they may fail to adequately ensure the safety of the victim and her children.

229. **GREVIO urges the Estonian authorities to analyse and address the reasons for the low use of protection orders and to ensure that these orders are effectively enforced by the competent authorities, including through the development of protocols and guidelines and the effective training of all relevant professionals in relation to all acts of violence to which these orders are applicable and that effective, proportionate and dissuasive sanctions are applied in cases of breaches of the orders, and to monitor progress in this area by making use of all available measures provided by the Penal Code, such as electronic monitoring.**

E. *Ex parte* and *ex officio* proceedings (Article 55)

230. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

231. According to Article of 193 of the Code of Criminal Procedure, the investigative body can launch a criminal investigation *ex officio* as long as reasonable grounds exist to believe that a criminal offence may have been committed. Similarly, Estonian legislation does not provide for the termination of the proceedings if the victim withdraws her statement or complaint.

F. Measures of protection (Article 56)

232. Article 37 of the Estonian Code of Criminal Procedure requires the law-enforcement and judicial authorities to assess the individual needs of each victim and to determine the necessity and form of protective measures to be applied in the course of the criminal

proceedings. The authorities' determination in this regard is based on a number of factors including the victim's personal characteristics, the gravity and nature of the offence, the personality of the suspect, the circumstances relating to the commission of the offence and the damage caused to the victim. The protective measures under this provision include conducting the hearing in premises adapted to the needs of the victim and taking his/her statements by a trained specialist during the entirety of the proceedings. In this respect, GREVIO notes that Article 69 of the Code of Criminal Procedure also provides for the possibility for the victim to participate in proceedings through a tele-hearing.

233. Article 38 (5) (3) of the Code of Criminal Procedure sets out the right of victims to be accompanied by a trusted person during all stages of criminal proceedings, including investigation, trial and appeal. Such psychosocial and legal assistance can be provided by victim support officers employed by the Social Insurance Board or by NGOs delivering specialist support services for victims of violence against women. According to information provided by women's NGOs, this measure is frequently made use of in criminal proceedings.⁸³ GREVIO welcomes this possibility provided by the Estonian Code of Criminal Procedure as it allows women victims of violence to enter court proceedings with greater confidence and help prevent secondary victimisation.

234. GREVIO notes that under the Code of Criminal Procedure the victim has the right to be informed about the release of the perpetrator from detention on the condition that such communication should not cause any harm to the suspect. Similarly, victims may be informed of the release of a convicted perpetrator from prison; however, to obtain such information they need to file a request.

235. GREVIO notes with satisfaction the available measures to ensure protection of a victim's safety and privacy during criminal proceedings. In this regard, although court hearings are public as a principle is Estonia, both the Code of Civil Procedure and the Code of Criminal Procedure provide that members of the judiciary may decide to exclude the public from the hearing, either *ex officio* or at the request of the parties, if this is necessary for the protection of the safety or private life of the victim.

236. GREVIO encourages the Estonian authorities to ensure that the protective measures for victims of violence against women and child victims as envisaged by Estonian legislation are systematically applied within criminal procedures, including hearings by videoconference, the use of safe rooms and informing the victim about the detention and release of the perpetrators.

G. Legal aid (Article 57)

237. In Estonia, there are two schemes in place to provide free or low-cost legal aid to low-income individuals. Under the free legal aid scheme, all people living in Estonia whose average monthly income does not exceed €1 200 are eligible to receive legal assistance from a number of NGOs and foundations. If the matter concerns the rights of the child in family law proceedings, the maximum income limit is €1 700. The scheme foresees the provision of free legal assistance for up to five hours as a rule and up to 10 hours in family disputes involving the rights of the child: the first two hours are free of charge and the remainder have an hourly fee of €45. The assistance provided covers drawing up documents and communicating with public authorities; however, GREVIO notes that as of 20 February 2021 representation in court proceedings and drafting court documents are excluded from the scheme of free legal aid. GREVIO also regrets that immediate legal counselling provided by the SACs was discontinued

83. Information obtained during the evaluation visit.

in 2020. In cases concerning violence against women and their children, these services are often provided by women's NGOs.

238. In addition to the afore mentioned free legal aid scheme, the State Legal Aid Act introduces a system to make legal services available to those whose financial situation does not allow the payment of legal fees either fully or partially. The determination of eligibility is made on a case-by-case basis by the court competent to conduct the proceedings and, depending on the individual situation of the applicant, different payment options may be proposed.⁸⁴ The legal services listed in the State Legal Aid Act are provided by lawyers registered to the Estonian Bar Association and include preparation of legal documents, legal representation or other forms of legal assistance in all stages and forms of proceedings. According to the law, once eligible, a victim may seek the services of a lawyer of her choosing or may request the appointment of one. The fees incurred are then paid by the state on the basis of a fixed hourly rate.

239. GREVIO notes with concern reports from NGOs providing specialist services and legal practitioners about the access of victims of violence against women to free aid and the quality of legal services provided under these schemes. In this respect, they have noted that the free legal aid scheme falls short of meeting the demands of often complex violence against women cases as it only covers two to five hours of initial counselling and does not extend to court procedures, which as a result leaves the victim to navigate the judicial system on her own. As for the state legal aid scheme, even if the victim is deemed eligible to benefit from it, the NGOs indicated that most of the state-appointed lawyers either lack the knowledge and experience to handle violence against women cases or they refuse to provide services under this scheme as the fixed hourly rate is below the average hourly fee charged by lawyers.⁸⁵ On the other hand, legal counsellors from specialist NGOs have the relevant experience to assist victims of violence against women but their role is limited in the duration and type of services they can provide. These indications are also corroborated by the findings of a survey conducted in 2022 which looked at the experiences of practising lawyers working on violence against women cases.⁸⁶ Among other issues, the respondents noted that victims are often unaware of their right to legal assistance. They further stressed that state legal assistance rates make it very difficult for victims to find a skilled lawyer who can provide quality services.

240. GREVIO also received indications that asylum-seeking women face obstacles to accessing free legal aid.⁸⁷ According to a study conducted by the Office of the United Nations High Commissioner for Refugees (UNHCR), legal counsellors from accommodation centres assist asylum seekers to apply for state legal aid and in most of the cases these applications are approved, as asylum seekers usually have little to no legal knowledge, proficiency in Estonian, ability to represent themselves or the financial means to hire a lawyer.⁸⁸ In practice however, the limited number of available state legal aid lawyers makes it difficult for asylum-seeking women to find a representative who is specialised in asylum and violence against women issues.⁸⁹

84. Article of the State Legal Act provides the following solutions for the provision of legal aid:

- 1) without the obligation to compensate for the state legal aid fee or state legal aid expenses;
- 2) with the obligation to partially or fully compensate for the state legal aid fee and state legal aid expenses in a lump sum;
- 3) with the obligation to partially or fully compensate for the state legal aid fee and state legal aid expenses in instalments.

85. Information obtained during the evaluation visit.

86. A news item on the results of this survey is available in English at: <https://news.err.ee/1608612574/estonian--lawyers-protection-of-victims-of-domestic-violence-insufficient>

87. Information obtained during the evaluation visit.

88. UNHCR, Access to Legal Aid for Asylum-Seekers in Estonia, July 2019, available at: www.refworld.org/docid/5d4bedea4.html.

89. Information received during the evaluation visit, which is also corroborated by the UNHCR study, p. 54.

241. GREVIO strongly encourages the Estonian authorities to ensure access to legal aid for victims of the various forms of violence covered by the Istanbul Convention by:

- a. promoting, in co-operation with specialist support services and/or women's rights organisations, the training of lawyers providing services under the state legal aid scheme on the different forms of violence against women covered by the Istanbul Convention;**
- b. raising awareness of the existing legal assistance available to women victims of the different forms of violence against women covered by the Istanbul Convention.**

VII. Migration and asylum

242. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). In addition, asylum procedures must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

A. Residence status (Article 59)

243. The Estonian Aliens Act provides the legal framework for the entry, residence and employment of aliens as well as the sanctions for violating obligations related to those. Ordinarily, a dependant spouse/partner living in Estonia on a family reunification visa may apply for an autonomous residence permit after a qualification period of three years of continuous residence in Estonia.⁹⁰

244. Where the marriage or cohabitation ends during the three-year qualification period because of abuse, GREVIO notes with concern that there is no specific provision or hardship clause that would allow migrant women who derive their residence permit from their abuser to apply for an autonomous residence permit and remain in the country irrespective of any criminal proceedings instituted, as required by Article 59, paragraph 1, of the convention. GREVIO recalls that the purpose of Article 59, paragraph 1, of the convention is that migrant victims whose residence status is conditional on marriage or on being in a relationship should not fear losing their residence status for leaving an abusive and violent marriage or relationship. Indeed, fear of deportation or loss of residence status is a very powerful tool used by perpetrators to prevent victims of violence against women and domestic violence from seeking help from authorities or from separating from the perpetrator. States parties should treat being a victim of the forms of violence covered by the scope of the convention committed by the spouse or partner or condoned by the spouse or partner as a particularly difficult circumstance. The conditions relating to the granting of the residence permit, which are left to the discretion of states parties, include establishing which public authorities are competent to decide if the relationship has dissolved as a consequence of the violence endured and what evidence is to be produced by the victims.⁹¹

245. GREVIO notes that Article 59, paragraph 2, of the convention seeks to protect migrant women who are victims of abuse from being removed alongside the perpetrators to third countries. The Aliens Act permits appeals to be made against decisions on annulment of a visa, revocation of a visa, refusal to extend the period of stay and premature termination of the period of stay and the competent administrative authority then reviews the legality and feasibility of the decision. However, the law does not include an express requirement to consider domestic violence as grounds for suspending expulsion of a victim alongside the perpetrator.

90. Article 143 (2) of the Aliens Act provides that: "(2) If an alien has been married for at least three years to a person who legally resides in Estonia, the period of validity of a residence permit to be issued to an alien shall not exceed three years and the residence permit shall be extended for no longer than three years at a time".

91. Explanatory Report to the Istanbul Convention, paragraphs 301-303.

246. As regards Article 59, paragraph 3, of the Istanbul Convention, the Estonian Aliens Act provides, in Article 203, the possibility to obtain a temporary residence permit for co-operation with criminal justice authorities as a victim or witness in criminal proceedings. The conditions for issuing such a temporary residence are that the person facilitates the ascertaining of facts relating to the criminal offence or has agreed to do so, has broken off all relations with the persons suspected or accused of the offence and does not constitute a threat to public order or national security. The duration of the temporary residence permit is from six to 12 months, renewable for up to a year at a time. The temporary residence permit may be revoked when the criminal proceedings are terminated, or if the person is no longer contributing to the clarification of facts relating to the criminal offence or has voluntarily and on his/her own initiative renewed contact with the suspected or accused persons. According to the information provided by the Estonian authorities, physical abuse committed in a close relationship or sexual violence falls within the scope of this article.⁹² Despite the confirmation of the authorities, GREVIO notes that the text of Article 203 refers to offences relating to human trafficking and harvesting of organs through illegal means. This seems to be confirmed by the report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia.⁹³ As regards its implementation in respect of forms of violence within the scope of the Istanbul Convention, notably domestic violence and sexual violence, GREVIO notes that no applications for residence permits were submitted by women victims of gender-based violence under Article 203. It thus appears that the practical relevance of this provision for migrant women victims of domestic violence or migrant victims of rape is minor. More must be done to ensure that foreign women who wish to co-operate with the criminal justice system for experiences of domestic violence and rape be granted a temporary residence permit in practice in order to comply with Article 59, paragraph 3, of the Istanbul Convention.

247. Under Article 210 of the Aliens Act, if, as a result of the breakdown of a marriage or cohabitation, returning to the country of origin would be unduly burdensome for an alien, she or he would be eligible for an autonomous permanent residence permit. According to the Estonian authorities, an undue burden includes circumstances such as the stigmatisation of divorced women or the risk of crimes in the name of “honour” being committed. While GREVIO welcomes this specific measure as an example of heightened awareness of the gendered impact of divorce for certain migrant women which may render them more vulnerable to certain forms of violence if returned, it notes that between 2017 and 2020 no women victims of violence requested a residence permit under this provision, making it difficult to draw a conclusion about its relevance in practice. GREVIO points to the need to assess the level of awareness among migrant women of the possibility to obtain an autonomous residence permit on this basis in order to identify any measures that can be taken to increase knowledge of this possibility.

248. GREVIO notes that since 2017 an exception has been made to the requirement of three continuous years of residence for women who have entered into a forced marriage in another country and have consequently lost their residence status. While GREVIO welcomes this exception, it notes that to date no residence permit has been granted on those grounds. In any case, given that the Estonian legislation criminalises forced marriage only for minors and in the context of human trafficking, a considerable number of victims of forced marriage are excluded from the protection provided by this article.

92. State report submitted by Estonia, p. 53.

93. GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Estonia, paragraph 157, available at: <https://rm.coe.int/greta-2018-6-fgr-est-en/16808b292c>.

249. **GREVIO urges the Estonian authorities to take the necessary legislative and other measures to enable women victims of any of the forms of violence covered by the Istanbul Convention, whose residence status depends on that of an abusive spouse or partner, to apply for an autonomous residence permit. GREVIO further urges the Estonian authorities to meet the requirements of Article 59, paragraph 4, of the Istanbul Convention by enabling all victims of forced marriage abroad the possibility to regain their residence status in Estonia. Such efforts should be accompanied by data collection to make it possible to measure progress in this area through data on the number of women who find themselves in one or any other of the circumstances referred to in this article and who are granted the right to stay in or return to the country.**

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

250. Article 19, paragraph 2, of the Act on Granting International Protection to Aliens (AGIPA) provides a list of circumstances which constitute persecution for the purpose of granting international protection. These circumstances include physical and mental violence, including sexual violence, and “gender-specific acts”, which GREVIO welcomes. However, in the absence of disaggregated data on the granting and refusal of refugee status for each ground of persecution, GREVIO could not make an assessment of the application of this provision with regard to claims raising issues of gender-based violence and abuse.

251. According to information provided by the Estonian authorities, a vulnerability assessment is made in each case through a questionnaire and the asylum reception centre is informed of the identified needs of the applicant. Information made available to GREVIO also indicates the possibility to request a female asylum officer, interpreter, adviser and support person. GREVIO, however, was made aware of cases where the requests of women asylum seekers to be interviewed by a female asylum officer were not fulfilled. GREVIO also notes that there are no guidelines on gender-sensitive asylum procedures in Estonia. Moreover, information provided by civil society organisations reveals serious shortcomings in the vulnerability-assessment procedure, as well as in the process of referral to relevant services and the provision of legal support and information to asylum-seeking women, stemming from a lack of awareness and training among caseworkers.⁹⁴ While Article 151, paragraph 1, of the AGIPA provides that elderly people or people with disabilities, pregnant women, single parents or people subjected to other serious forms of psychological, physical or sexual violence are considered vulnerable groups with special needs, reports indicate that such groups of asylum seekers have been treated similarly to other applicants.⁹⁵

252. **GREVIO urges the Estonian authorities to ensure that vulnerability, particularly related to sexual violence and other forms of gender-based violence against women, is formally assessed and identified at the earliest possible opportunity within the asylum procedure to inform decisions relating to accommodation and support services and to ensure procedural fairness and gender sensitivity in the conduct of the asylum interview. In this respect, training must be provided to all caseworkers handling asylum applications on all forms of gender-based violence against women and gender sensitivity.**

94. Information obtained during the evaluation visit.

95. UNHCR, Access to Legal Aid for Asylum-Seekers in Estonia, July 2019, p. 32, available at: www.refworld.org/docid/5d4bedea4.html.

2. Accommodation

253. Individuals who have applied for asylum in Estonia are placed in an accommodation centre. The two accommodation centres, in Vao and Vägeva, can house up to 120 asylum seekers at a time.⁹⁶ Given that Estonia received 49 asylum applications in 2020, GREVIO regards the capacity of these centres to be sufficient. Both accommodation centres provide separate accommodation to single women with or without children, single men and families. From the information available to GREVIO, the accommodation provided to women asylum seekers does not seem to give rise to concern regarding the prevention of and protection from violence against women. However, GREVIO points to the fact that currently no guidelines or standard operating procedures to this effect seem to exist, which may be of use in the future.

96. Information available on the website of accommodation centres:
www.hoolekandeteenused.ee/majutuskeskus/en/#:~:text=In%20Vao%2C%20the%20service%20is,people%20with%2024%20hours%20notice

Concluding remarks

254. Numerous legislative and policy measures adopted in Estonia following the ratification of the Istanbul Convention demonstrate the country's commitment to the convention and to combating violence against women, in particular domestic violence. Important developments in this field include the introduction of new criminal offences on forms of violence covered by the convention and the establishment of sexual assault centres to provide specialist support to victims of sexual violence. GREVIO also welcomes the adoption and implementation of the MARAC risk-assessment system throughout Estonia.

255. Against this backdrop of promising change, this report identifies areas where progress is still needed and provides guidance and concrete solutions to tackle the shortcomings. The information provided during the evaluation procedure demonstrates a strong focus on policy responses and allocation of resources to domestic violence compared to other forms of violence covered by the Istanbul Convention. Currently, there is no strategic document that addresses all forms of violence against women covered by the convention in Estonia. The evaluation also revealed the need to increase the provision of specialist services to all victims of all forms of violence against women.

256. More effort must be made in the implementation of existing legislation, especially in relation to the judicial response to violence. In this regard, there is a great need for more systematic and gender-specific training of all relevant professionals, including but not limited to law-enforcement officials, prosecution authorities and the judiciary, to ensure a wider understanding of the cycle of domestic violence and its power dynamics and ensure that incidents of domestic violence are taken into account when determining visitation rights. GREVIO is equally concerned by the insufficient duration for which emergency barring orders can be issued.

257. These and other points have been further developed in this report, marking the beginning of GREVIO's fruitful co-operation with the authorities in Estonia. GREVIO invites them to keep it regularly informed of developments as regards the implementation of the convention.

258. With the present report, GREVIO wishes to support the Estonian authorities in their endeavours and invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the Estonian authorities.

259. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. GREVIO encourages the Estonian authorities to step up their efforts to adopt and implement a comprehensive set of policies to prevent and combat all forms of violence against women covered by the Istanbul Convention. (paragraph 6)

B. Scope of application of the convention and definitions (Articles 2 and 3)

2. GREVIO strongly encourages the Estonian authorities to ensure that all policy and legislative measures taken in the implementation of the Istanbul Convention reflect more clearly the notion that violence against women, including domestic violence, is gender-based violence directed against women because they are women or that affects them disproportionately. (paragraph 14)

C. Fundamental rights, equality and non-discrimination (Article 4)

2. Intersectional discrimination

3. GREVIO urges the Estonian authorities to (paragraph 23) :
- a. take measures to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination, including women with disabilities and women with addiction issues as well as women and girls from the Russian-speaking population in Estonia, by addressing the inequalities faced by these women;
 - b. integrate the perspective of such women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's rights organisations representing them;
 - c. mainstream preventing and combating violence against women in social inclusion programmes or other policy documents which aim to realise the rights and address the specific needs of women with disabilities, women with addiction issues, migrant women or women from national and/or ethnic minorities, including women from the Russian-speaking population;
 - d. develop and improve accessibility to protection and support services for victims belonging to these groups of women.

D. State obligations and due diligence (Article 5)

4. GREVIO strongly encourages the Estonian authorities to examine and address any barriers to the use of the existing remedies to hold different state officials accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention, and to take practical measures such as providing training and raising awareness among the judiciary and other professionals, and to ensure the provision of adequate information to women victims of violence, in order to enable them to

make practical use of the existing legal remedies. Progress in this area needs to be measured by collecting data on the number of complaints by victims and their outcomes. (paragraph 27)

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

5. GREVIO urges the Estonian authorities to develop a specific long-term co-ordinated plan/strategy giving due importance to all forms of violence against women covered by the Istanbul Convention and addressing the specific needs of all groups of victims, in particular women who are or might be exposed to intersectional discrimination, based on a gendered understanding of violence against women. (paragraph 33)

B. Financial resources (Article 8)

6. GREVIO strongly encourages the Estonian authorities to implement gender-responsive budgeting in order to identify and allocate appropriate funding, monitor public spending and measure progress achieved in combating violence against women. (paragraph 37)

7. GREVIO further encourages the Estonian authorities to ensure appropriate human and financial resources for general and specialist support services as well as the robust resourcing of the measures on all forms of violence against women, including domestic violence. (paragraph 38)

D. Co-ordinating body (Article 10)

8. GREVIO urges the Estonian authorities to assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences that are widely communicated and to allocate the necessary human and financial resources to these entities, in order to ensure the sustainability of their work. GREVIO also urges the Estonian authorities to ensure, on one hand, the co-ordination and implementation of policies and measures, and on the other hand, their independent monitoring and evaluation, in order to ensure objectivity in the evaluation of policies. (paragraph 44)

9. GREVIO strongly encourages the Estonian authorities to ensure that the functions of the co-ordinating body apply to all forms of violence covered by the Istanbul Convention and that they are supported by adequate and appropriate data, which are necessary for evidence-based policy making. (paragraph 45)

E. Data collection and research (Article 11)

1. Administrative data collection

a. Law-enforcement agencies and the justice sector

10. GREVIO encourages the Estonian authorities to develop data-collection systems for civil proceedings in order to keep track of the number of decisions on custody and visitation concerning children which expressly take into account reports of domestic violence as well as cases where the custody and visitation rights of a parent have been restricted or withdrawn on that basis. (paragraph 51)

b. Healthcare sector

11. GREVIO strongly encourages the Estonian authorities to ensure the systematic and comparable collection of data by the healthcare sector on the number of instances that contact has been made concerning experiences of any of the forms of violence against women covered by the Istanbul Convention. (paragraph 54)

d. Data on the asylum procedure

12. GREVIO encourages the Estonian authorities to introduce a data-collection system that records asylum claims on the basis of gender-related persecution. (paragraph 58)

2. Population-based surveys

13. GREVIO invites the Estonian authorities to conduct surveys on all forms of violence against women covered by the scope of the Istanbul Convention, including dedicated surveys on forms of violence that have not been explored previously, such as female genital mutilation and forced marriage, the digital dimension of violence against women and violence perpetrated in the name of “honour”. (paragraph 63)

3. Research

14. GREVIO encourages the Estonian authorities to address, through research, all forms of violence against women, including sexual harassment and stalking, female genital mutilation, forced marriage or other traditional practices harmful to women, as well as the impact of witnessing violence on children, women’s experiences with support services and violence affecting vulnerable groups of women, including, but not limited to, Russian-speaking women and girls and women and girls with disabilities. (paragraph 69)

III. Prevention**B. Awareness raising (Article 13)**

15. GREVIO encourages the Estonian authorities to sustain and further develop their awareness-raising efforts by expanding their scope to all forms of violence covered by the Istanbul Convention, by running awareness-raising campaigns in all relevant languages with a view to reaching out to the whole of society and by relying on the expertise and experience of specialist women’s NGOs in implementing activities. (paragraph 79)

D. Training of professionals (Article 15)

16. GREVIO urges the Estonian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation, for all professional groups, in particular the healthcare sector, social workers and legal professionals such as those in prosecution services and the judiciary. All training must be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow. (paragraph 91)

E. Preventive intervention and treatment programmes (Article 16)**1. Programmes for perpetrators of domestic violence**

17. GREVIO encourages the Estonian authorities to (paragraph 95):

- a. set up voluntary perpetrator programmes and to ensure that all programmes are in line with the core elements set out in the section on Article 16 of the Explanatory Report of the Istanbul Convention;
- b. ensure the external evaluation of existing perpetrator programmes in light of international best practices and principles, including analysis of reliable information on reoffending, in order to assess whether the programmes serve the intended preventive aims;
- c. ensure that the programmes form part of a multi-agency approach involving all relevant institutions, in particular women's specialist support services for victims of violence against women.

IV. Protection and support**A. General obligations (Article 18)**

18. GREVIO encourages the Estonian authorities to pursue and intensify their efforts to develop and/or strengthen interinstitutional co-operation structures, in particular by institutionalising the framework of this co-operation and by ensuring that these structures base their interventions on a gendered understanding of violence against women, on prioritising the safety of the victim and her children, on the long-term empowerment of women victims and on respect for their human rights. This work should be accompanied by a closer assessment of the progress made and the creation of opportunities for the exchange of good practices between the various territories, in close collaboration with specialist women's rights organisations that have developed expertise in the field. (paragraph 104)

B. Information (Article 19)

19. GREVIO encourages the Estonian authorities to ensure that professionals of all relevant institutions actively provide information to victims of violence against women covered by the scope of the Istanbul Convention on the available support services and legal measures in a language they understand, including in formats that are accessible for victims with disabilities. (paragraph 108)

C. General support services (Article 20)**1. Social services**

20. GREVIO urges the Estonian authorities to set up dedicated programmes that cater to the specific needs of victims of violence against women covered by the Istanbul Convention in the areas of employment and professional training, thus contributing to their recovery, economic independence and empowerment. (paragraph 114)

2. Healthcare services

21. GREVIO strongly encourages the Estonian authorities to implement standardised care paths that include the identification of victims, screening, diagnosis, treatment, documentation of injuries and referral to the appropriate specialist support services, and to promote and institutionalise multi-agency co-operation between the healthcare sector and specialist support services. (Paragraph 118)

D. Specialist support services (Article 22)

22. Recalling the important role that specialist support services play in addressing the different types of violence covered by the scope of the Istanbul Convention by providing tailored support to all groups of victims, GREVIO urges the Estonian authorities to provide for adequate specialist women's support services based on a gendered approach throughout the country for all forms of violence against women covered by the Istanbul Convention. (Paragraph 122)

E. Shelters (Article 23)

23. GREVIO strongly encourages the Estonian authorities to (paragraph 126):

- a. increase the capacity of domestic violence shelters providing safe accommodation;
- b. ensure equal access to specialist women's shelters and other specialist services for all women victims of violence covered by the Istanbul Convention in need of such services, including women with disabilities and women with addiction issues.

F. Telephone helplines (Article 24)

24. GREVIO encourages the Estonian authorities to ensure the round-the-clock provision of services, including psychosocial counselling, to all victims of violence against women with due regard to the language barrier that non-Estonian-speaking women may face. (paragraph 128)

I. Reporting by professionals (Article 28)

25. Recalling the principle of women's empowerment mainstreamed throughout the Istanbul Convention, GREVIO encourages the Estonian authorities to ensure that the duty to report imposed on professionals is tempered by full and sensitive information being provided to the victim to allow her to make an informed decision herself and maintain autonomy. This may well require making the obligation to report contingent upon the prior consent of the victim, unless the victim is a child or is unable to protect her/himself because of disabilities. (paragraph 142)

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

26. GREVIO encourages Estonian authorities to collect data on the number of complaints by victims and their outcomes with a view to measuring the efficiency of the existing remedies to hold different state officials accountable for failure to comply with the obligation to diligently prevent, investigate and punish acts of violence covered by the Istanbul Convention. (paragraph 148)

2. Compensation (Article 30)

27. GREVIO strongly encourages the Estonian authorities to assess the adequacy and effectiveness of different compensation schemes provided for in the Estonian legal framework by collecting data on (paragraph 152):

- a. the number of criminal and civil cases in which perpetrators have been ordered to pay compensation to a victim of any of the forms of violence against women covered by the Istanbul Convention;
- b. the number of cases in which state compensation is paid to the dependents of deceased victims of violence against women.

3. Custody, visitation rights and safety (Article 31)

28. GREVIO urges the Estonian authorities to take the necessary measures to ensure that the competent courts are under a duty to consider all issues related to violence against women when determining custody and visitation rights and to assess whether such violence would warrant restricting custody and visitation rights. To this end, the Estonian authorities should (paragraph 158):

- a. take measures to incorporate a systematic process for screening cases related to the determination of custody and visitation rights to determine whether violence has been an issue in the relationship and whether it has been reported;
- b. duly investigate any report of violence, by improving co-operation with criminal courts and any relevant bodies, including, but not limited to, law-enforcement agencies, health and education authorities and specialist women's support services;
- c. incorporate risk-assessment procedures in the determination of custody and visitation rights in order to determine the best interests of the child;
- d. ensure that only those professionals, particularly psychologists and child psychiatrists, who are attuned to the issue of violence against women and the requirements of the Istanbul Convention can be appointed by courts to provide advice on issues of custody and visitation in situations of violence against women;
- e. ban the use by court-appointed experts, social workers and courts of unfounded concepts related to "parental alienation", as well as any other approach or principle, such as the "friendly parent provision", which tend to consider mothers who invoke the violence as "unco-operative" and "unfit" as a parent, and to blame them for the poor relationship between a violent parent and his children;
- f. build safeguards into the procedures, such as offering parents separate appointments and creating separate waiting areas in courts, to take into account the imbalance of power between the victim and the perpetrator and to prevent the risk of revictimisation;

- g. ensure an appropriate use of the legal provisions which allow reducing, lifting and/or subjecting to safeguards the perpetrator's custody and visitation rights whenever a situation of violence is ascertained and promote the determination of custody and visitation rights on a provisional basis until all reported facts of violence against women are properly assessed.

Such measures should be accompanied by the provision of appropriate training and the development of professional guidelines, aimed at raising awareness among the professionals concerned as to the harmful effects of violence on children, including child witnesses, and at familiarising them with the requirements of the Istanbul Convention on the settlement of custody and visitation rights. These guidelines should replace existing methodologies and guidelines which tend to reduce violence to a conflict, promote mediation without due account of the violence and resort to unfounded concepts such as "parental alienation" which prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence. Progress in this field should be measured by data and analyses of case law illustrating how family courts consider incidents of violence and how they justify their decisions on custody and visitation rights.

B. Criminal law

1. Psychological violence (Article 33)

29. GREVIO urges the Estonian authorities to revise Article 120 of the Estonian Penal Code governing the offence of threat to respond to the requirements of Article 33 of the Istanbul Convention. (paragraph 164)

30. GREVIO strongly encourages the Estonian authorities to effectively investigate, prosecute and punish acts of psychological violence by making full use of the available provisions in the Estonian Criminal Code, including by ensuring prosecution under Article 121 of the Penal Code in cases of psychological violence in the domestic context, and to increase awareness, including through training, among law-enforcement officials, judges and other relevant professionals of the gendered nature and consequences of psychological violence as one of the most prevalent forms of violence against women in Estonia, as well as to review the existing case law in order to examine whether the available provisions are adequately used in practice. (paragraph 165)

3. Physical violence (Article 35)

31. GREVIO strongly encourages the Estonian authorities to step up their efforts to examine cases of domestic violence that lead to the death of the victim, with the aim of identifying possible gaps in the institutional/judicial response to violence and closing such gaps in the future. (paragraph 170)

4. Sexual violence, including rape (Article 36)

32. GREVIO urges the Estonian authorities to speedily reform all sexual offences contained in the Estonian Penal Code to fully incorporate the notion of freely given consent as required by Article 36 of the Istanbul Convention and to ensure appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent. (paragraph 174)

5. Forced marriage (Article 37)

33. GREVIO strongly encourages the Estonian authorities to amend the Penal Code in order to align it more closely with the requirements of Article 37 of the Istanbul Convention, notably by criminalising the forcing of an adult into a marriage and by criminalising the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage, as required by Article 37, paragraph 2. (paragraph 178)

34. GREVIO invites the Estonian authorities to consider introducing a specific criminal offence of forced marriage to cover the special nature of these offences and to make it operational for law-enforcement authorities and courts. (paragraph 179)

7. Forced abortion and forced sterilisation (Article 39)

35. GREVIO encourages the Estonian authorities to take measures to ensure that the conduct described in Article 39 of Istanbul Convention of performing forced sterilisation on a woman or girl is effectively prosecuted under Article 118 of the Estonian Penal Code. (paragraph 185)

8. Sexual harassment (Article 40)

36. GREVIO encourages the Estonian authorities to ensure the efficient implementation of criminal or other legal sanctions for sexual harassment both in the workplace and beyond, as well as to strengthen data collection regarding this form of violence against women, covering criminal, civil and disciplinary proceedings. (paragraph 189)

9. Sanctions and measures (Article 45)

37. GREVIO strongly encourages the Estonian authorities to ensure that sentences and measures imposed for domestic violence and other forms of violence against women covered by the Istanbul Convention are effective, proportionate and dissuasive. This would include ensuring the understanding among the prosecution authorities and the judiciary that dismissals or suspended sentences in domestic violence cases and other forms of violence against women do not serve the principles of ensuring justice for victims, ending impunity for perpetrators or deterrence. (paragraph 193)

10. Aggravating circumstances (Article 46)

38. GREVIO strongly encourages the Estonian authorities to take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are, in practice, considered as aggravating circumstances by the judiciary, and to adopt legislative measures with the aim of expressly including the use or threat of a weapon, prior convictions and repeated commission of an offence in the list of aggravating circumstances. (paragraph 196)

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

39. GREVIO strongly encourages the Estonian authorities to uphold and effectively enforce the ban on mandatory reconciliation in divorce proceedings where there is a history of domestic violence, including by developing guidelines and providing training on methods for screening family law cases for domestic violence. (paragraph 201)

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

1. Reporting to, immediate response and investigations by law-enforcement agencies

40. GREVIO urges the Estonian authorities to step up efforts to ensure prompt and appropriate responses from law-enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention, in particular by (paragraph 208):

- a. developing/revising binding guidelines and training to improve the effectiveness of investigations and to equip law-enforcement agencies with the necessary skills to deal with all women victims of violence, including victims of sexual violence, while applying a victim-centred and gender-sensitive approach;
- b. taking measures to reduce the re-traumatisation of women who report any of the forms of violence against women, including intimate partner violence, sexual violence and rape, stalking and online and technology-facilitated violence against women;
- c. equipping law-enforcement agencies with the knowledge and means to respond to and investigate digital manifestations of violence against women and domestic violence.

41. GREVIO further invites the Estonian authorities to continue promoting effective and proactive law-enforcement investigations and evidence collection, including photographic documentation of injuries and other evidence in alleged cases of violence against women. (paragraph 209)

2. Effective investigation and prosecution

42. GREVIO urges the Estonian authorities to ensure that prosecution services resort to all possible measures, including by pursuing criminal charges, in order to provide criminal justice for victims of all forms of violence against women covered by the Istanbul Convention, while paying due regard to the specifics of each individual case. (paragraph 212)

3. Conviction rates

43. GREVIO urges the Estonian authorities to swiftly address any/all factors that contribute to attrition in cases of rape, domestic violence and any other forms of violence against women, and to examine mechanisms and procedures, including through legal amendments, that would remove the centrality of the victim's statement in criminal proceedings in cases related to violence against women, in particular domestic violence against women and sexual violence. (paragraph 218)

C. Emergency barring orders (Article 52)

44. GREVIO urges the Estonian authorities to take the legislative and or policy measures needed to bring the Estonian legal framework and practice in line with Article 52 of the Istanbul Convention with a view to ensuring that "bans on stay" are issued for a sufficient period of time, with the possibility of securing longer-term protection through a restraining order, and to ensure their efficient enforcement, as well as that proportionate and dissuasive sanctions are imposed in cases of violation. The progress in this area should be followed up and periodically

analysed based on regularly collected data on the number of orders/“bans on stay” issued, the number of violations of such orders and the number of sanctions imposed as a result of such violations. (paragraph 223)

D. Restraining or protection orders (Article 53)

45. GREVIO urges the Estonian authorities to analyse and address the reasons for the low use of protection orders and to ensure that these orders are effectively enforced by the competent authorities, including through the development of protocols and guidelines and the effective training of all relevant professionals in relation to all acts of violence to which these orders are applicable and that effective, proportionate and dissuasive sanctions are applied in cases of breaches of the orders, and to monitor progress in this area by making use of all available measures provided by the Penal Code, such as electronic monitoring. (paragraph 229)

F. Measures of protection (Article 56)

46. GREVIO encourages the Estonian authorities to ensure that the protective measures for victims of violence against women and child victims as envisaged by Estonian legislation are systematically applied within criminal procedures, including hearings by videoconference, the use of safe rooms and informing the victim about the detention and release of the perpetrators. (paragraph 236)

G. Legal aid (Article 57)

47. GREVIO strongly encourages the Estonian authorities to ensure access to legal aid for victims of the various forms of violence covered by the Istanbul Convention by (paragraph 241):

- a. promoting, in co-operation with specialist support services and/or women’s rights organisations, the training of lawyers providing services under the state legal aid scheme on the different forms of violence against women covered by the Istanbul Convention;
- b. raising awareness of the existing legal assistance available to women victims of the different forms of violence against women covered by the Istanbul Convention.

VII. Migration and asylum

A. Residence status (Article 59)

48. GREVIO urges the Estonian authorities to take the necessary legislative and other measures to enable women victims of any of the forms of violence covered by the Istanbul Convention, whose residence status depends on that of an abusive spouse or partner, to apply for an autonomous residence permit. GREVIO further urges the Estonian authorities to meet the requirements of Article 59, paragraph 4, of the Istanbul Convention by enabling all victims of forced marriage abroad the possibility to regain their residence status in Estonia. Such efforts should be accompanied by data collection to make it possible to measure progress in this area through data on the number of women who find themselves in one or any other of the circumstances referred to in this article and who are granted the right to stay in or return to the country. (paragraph 249)

B. Gender-based asylum claims (Article 60)**1. Gender-sensitive asylum determination procedure**

49. GREVIO urges the Estonian authorities to ensure that vulnerability, particularly related to sexual violence and other forms of gender-based violence against women, is formally assessed and identified at the earliest possible opportunity within the asylum procedure to inform decisions relating to accommodation and support services and to ensure procedural fairness and gender sensitivity in the conduct of the asylum interview. In this respect, training must be provided to all caseworkers handling asylum applications on all forms of gender-based violence against women and gender sensitivity. (paragraph 252)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

Ministry of Justice
Supreme Court of Estonia
Council for Administration of Courts
Office of the Prosecutor General
Ministry of Education and Ministry of Culture
Ministry of Social Affairs
Social Insurance Board
National Institute for Health Development of Estonia
Ministry of Interior
Police and Border Guard Board
Narva Municipality Social Services Department

Public bodies

Chancellor of Justice
Gender Equality and Equal Treatment Commissioner
Tartu University
West Tallinn Central Hospital Sexual Assault Centre

Civil society organisations

Estonian Women's Associations Roundtable (EWAR)
Tartu Womens Support and Information Center
Estonian Human Rights Centre
Estonian Refugee Council
Tallinn Women's Support Centre
Ida-Virumaa Women's Support Centre
Järvamaa Women's Support Centre
Jõgevamaa Women's Support Centre
Läänemaa Women's Support Centre
Valgamaa Women's Support Centre
Võrumaa Women's Support Centre
Viljandimaa Women's Support Centre
Virumaa Women's Support Centre

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

www.coe.int/conventionviolence

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



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