



## **Committee of the Parties**

### **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**

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### **Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Estonia**

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Estonia on 26 October 2017;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Estonia adopted by GREVIO at its 28th meeting (10-13 October 2022);

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency cooperation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and nongovernmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken and progress achieved by the Estonian authorities in implementing the Convention and noting in particular:

- comprehensive legislative changes, in particular in the area of criminal law, which have led to the criminalisation of stalking, female genital mutilation (FGM) and forced marriage thus bringing the country’s criminal framework in line with the Istanbul;
- the well-established system of data collection across the law-enforcement and justice sector which allows the tracking of cases involving violence against women and particularly domestic violence through all stages of the criminal justice chain;
- the systematic application of the Multi-Agency Risk Assessment Conference (MARAC) and safety-management measures Estonia for cases of domestic violence;
- efforts to raise men’s and boys’ awareness of intimate partner violence;
- initiatives to encourage the media and private sector’s involvement in various activities for preventing and combating violence against women in partnership with state authorities;
- the level of recognition which the Estonian Government affords to women’s rights NGOs, which is demonstrated by high degrees of co-operation and the allocation of sufficient funding to support services for victims of violence against women provided by such NGOs.

- A. Recommends in light of the considerations indicated in the preamble above, that the Government of Estonia take the following measures identified in GREVIO's baseline evaluation report<sup>1</sup> for immediate action to:
1. 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);
  2. ensure that the provisions of the Convention are fully implemented with regard to all women, including women with disabilities and women with addiction issues as well as women and girls from the Russian-speaking population in Estonia (paragraph 23);
  3. 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, take practical measures such as training and awareness raising initiatives for the judiciary and other professionals in this regard, ensure that adequate information is provided to victims of violence against women in order to enable them to make practical use of the existing legal remedies and measure progress in this area by collecting data on the number of complaints by victims and their outcomes (paragraph 27);
  4. develop a long-term co-ordinated plan/strategy giving due importance to all forms of violence against women, including those which are currently less addressed by policies, programmes, and support services, with due regard to their gendered nature (paragraph 33);
  5. 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);
  6. 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 as well as 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 while ensuring that the functions of the co-ordinating body encompass all forms of violence covered by the Istanbul Convention and are supported by collecting adequate and appropriate data in order to enable evidence-based policy making (paragraph 44);
  7. 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);
  8. 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 (paragraph 91);
  9. 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);

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<sup>1</sup> The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

10. provide for adequate specialist women's support services throughout the country based on a gendered approach for all forms of violence against women covered by the Istanbul Convention, in particular services that offer counselling and long-term psychological support and trauma care, for victims of stalking, FGM, forced marriage, sexual harassment, forced sterilisation and forced abortion (paragraph 122);
11. ensure that courts are under the obligation 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, notably by incorporating 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; by providing appropriate training to all relevant professionals; by banning unfounded concepts such as "parental alienation" or similar notions which prioritise maintaining the child-parent relationship at all costs, over and above any consideration of the violence; and by ensuring 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 (paragraph 158);
12. revise Article 120 of the Estonian Penal Code governing the offence of threat in order for it to respond to the requirements of Article 33 of the Istanbul Convention (paragraph 164);
13. 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);
14. equip all relevant law-enforcement authorities with the resources, knowledge and powers to respond promptly and appropriately to all forms of violence covered by the Istanbul Convention, including in their digital dimension, in particular by developing/revising binding guidelines and training as well as by taking measures to reduce the re-traumatisation of women who report any of the forms of violence against women (paragraph 209);
15. 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 (paragraph 212) and to swiftly address any/all factors that contribute to attrition in cases of rape, domestic violence and any other forms of violence against women (paragraph 218);
16. 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 (paragraph 223); while analysing and addressing the reasons for the low use of protection orders and ensuring that these orders are effectively enforced by the competent authorities, (paragraph 229);
17. take the necessary legislative and other measures to enable victims of violence against women covered by the Istanbul Convention whose residence status depends on that of an abusive spouse or partner, to apply for an autonomous residence permit and to enable all women and girls who were forced to marry abroad to regain their residence status in Estonia (paragraph 249);
18. 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 (paragraph 252).

- B. Requests the Government of Estonia to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 4 December 2025.
- C. Recommends that the Government of Estonia take measures to implement the further conclusions of GREVIO's baseline evaluation report.