

Report on Estonia
Tenth Session of the Universal Periodic Review – January 2011

a. Introduction

This report is submitted by the **Sexual Rights Initiative** (a coalition including Action Canada for Population and Development; Mulabi – Latin American Space for Sexualities and Rights; Creating Resources for Empowerment and Action-India; the Polish Federation for Women and Family Planning, and others). It was written by an Estonian activist who chose to remain anonymous. It deals with women's issues in Estonia, and focuses on Violence against women; Gender discrimination; and Sexual and reproductive health.

b. Background information

2. The Republic of Estonia is one of the least-populous members of the European Union, with a population of 1.340.000 inhabitants. It is a constitutional parliamentary democracy with a unicameral legislature (State Assembly), a Prime Minister as head of government, and a President as head of state. The Constitution provides for an independent judiciary. The judiciary operates through a three-tier court system: Rural and city courts, district courts, and the State Court (which functions as a supreme court). The district and State courts are also courts for "constitutional supervision". The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges whom are subject to confirmation by the State Assembly.

3. During the years of the country's annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to the country to work as laborers and administrators. These immigrants and their descendants made up approximately one-third of the total population, about 40 percent of who were born in the country¹. Estonia regained its independence in 1991.

4. The country has joined several international human rights instruments, such as the International Covenant on civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, The Convention on the Elimination of All Forms of Discrimination Against Women and the International Convention on the Rights of the Child, among others. Constitutional provisions guarantee equal rights and freedoms for all women and men living in Estonia, prohibiting discrimination based on several grounds, including sex².

c. Violence against women

¹ <http://www.tripology.com/estonia-background-and-facts-a/>

² Constitution of Estonia, Chapters 2.9 and 2.12

5. Violence against women, including marital abuse, is widespread in Estonia.³ Neither domestic violence nor marital rape are specifically criminalized, although they could be prosecuted under the Penal Code⁴. In 2005 the number of cases of domestic violence registered by police was of 5414 from which only 877 cases were considered crimes. While in 2008, the number of registered cases decreased to 3992, and only 422 were registered as crimes⁵. One of the reasons for such decrease is that most crimes related to domestic violence are unreported because women don't trust judiciary mechanisms and because of fear of social stigmatization.

6. Sexual harassment is not frequently reported for fear of being fired, isolation and cultural prejudices. It usually occurs at the workplace as well as in the family, being ethnic minorities living in Estonia the most vulnerable and targeted. Although sexual harassment is not specifically mentioned in the Penal Code; those cases could be punished under Code provisions on "Violation of Gender Equality"⁴.

7. Violence is still seen as a "private matter" by the Estonian society and police avoid considering it as a law enforcement issue. When women denounce, police discourage these actions and often exert verbal violence, re-victimizing them. In the same way, police as well as many judiciary officials try to avoid investigations as well as to take preventable measures. One way is to persuade women to reconcile with the abusers. Therefore, the victims are left helpless, without resources to stop the violence and with no real access to justice. According to patriarchal attitudes and traditional stereotypes, they are expected to accept physical and sexual violence from their husbands or partners.

8. Women who claim divorce on the grounds of violence must face important obstacles such as taking the case before a court and waiting long periods until the final judicial ruling. Counting with the social pressure against divorce that exists in Estonia, they commonly confront difficulties defending their rights to property and custody of children.

9. As it was pointed out, there is no legislation considering domestic violence as a special type of crime and existing laws do not provide adequate protection to women. Although amendments to the Code of Civil Procedure and the Code of Criminal Procedure in 2006, have introduced restraining orders to protect victims of domestic violence, the lack of training of police forces, judiciary officers and judges in a gender perspective when they deal with violence cases implies a serious obstacle to find a solution that means real redress for victims.

10. The government has implemented several strategies for combating domestic violence, among them: The Gender Equality Act (2004); The National Action Plan for Social Inclusion 2004-2006, A National Cooperation Network against domestic violence joint by Ministries members, Police force and NGOs (2008); a country-wide hotline for female victims of violence (opened in

³ "According to NGOs, one in four women has suffered from physical, sexual, or emotional domestic violence in Estonia", U.S. Department of State, <http://www.state.gov/g/drl/rls/hrrpt/2007/100557.htm>

⁴ Penal Code, Articles 120-122 may be used to punish acts of violence, including threats (Article 120), physical abuse (Article 121) and torture (Article 122). They are punishable by a maximum sentence of one year, three years, and five years, respectively

⁵ <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=18035&baseHREF=country&baseHREFId=493>

March 2008), and the creation of 9 shelters along the country for women victims of domestic violence, with or without children. (2005-2009)⁶.

11. Regretfully these efforts have not reached an appropriate articulation to combat domestic and sexual gender violence yet. Its weakness is mainly reflected in the lack of: a) effective prevention programmes; b) adequate professional support to victims; c) enactment of specific legislation and; d) awareness-raising campaigns aimed to eliminate those stereotyped traditional behaviors that perpetuate gender violence.

d. Gender discrimination

12. According to the Estonian law⁵, women and men have equal rights, but this equality becomes theoretical since it is neither reflected in the concrete implementation of laws and policies, nor in judicial rulings concerning civil and economic issues of women. Although the Gender Equality Act was enacted in 2004 prohibiting gender discrimination, gender disparities persist, rooted in cultural and social practices. Despite legal provisions⁷, women daily face the effects of structural gender inequality in all spheres of their lives.

13. In the labour sphere, women have the right to work and develop in any field of choice. However, they are segregated in a lower status in companies and workplaces; being an exception their access to high and decision-making positions, which are mostly occupied by men.

14. Despite many contemporary Estonian women have succeeded in their professional career in industry as well as in science, we find the perpetuation of stereotyped working roles in all fields with the support of policies and the public opinion. One of the most obvious examples of inequality is the difference in the standards of wages, although the Wages act⁸ containing the principle of equal remuneration has come into force in 1994. Women and men must have equal chances for the establishment of an economic independent life; but equal pay for equal work does not exist in practice, even when the variation has decreased slowly. The gender pay gap was 30.3 percent in 2007⁹, one of the widest in Europe.

15. Russian-speaking women and others minority women usually work in the informal sectors or they remain unemployed for long periods. For the non-Estonians, the lack of knowledge of the language reduces the probability of getting a job considerably. In private and public sectors women are fired more frequently than men, especially in case of enterprise reorganization. Besides, in an attempt to maintain women's access to social services, some government enterprises refrain from firing women workers requiring them to take extended holidays without pay or move them at the minimum wage. These practices are particularly widespread in industries where women traditionally constituted the majority of labor force.

⁶ <http://webapps01.un.org/vawdatabase/countryInd.action?countryId=493>

⁷ Constitution of Estonia, Chapters 2.9; 2.12; Gender legislation Act (2004)

⁸ Wages act (2004), art. 5, <http://www.legislationline.org/topics/country/33/topic/7>

⁹ EU Justice Commissioner, Viviane Reding, March 2010.

16. The consequences of gender discrimination are worse for unmarried women. Social prejudices in a labor market which offers less general opportunities by the last years make it impossible for these women to find work. Practically without the safety net of the social services, unmarried women, in particular those with children are segregated in poverty.

e. Sexual and Reproductive health and rights

17. Although Estonian Government has not adopted a national programme on sexual and reproductive health; family planning services are provided by obstetrics and gynecology services in hospitals and polyclinics, as well as in primary health care services.

18. The Health Insurance Act guarantees the access to health care facilities to pregnant women as from the third month of pregnancy. Abortions are regulated by law¹⁰ and are penalized by Criminal Code particularly in three situations: if they are practiced a) without woman's consent; b) by a non-legal authorized person or c) if the pregnancy has lasted for more than 21 weeks¹¹.

19. Over the last years, several NGOs¹² have engaged sexual education and health counseling issues, particularly aimed at young people, as well as awareness-raising campaigns on reproductive health and family planning. Despite these efforts, the effect produced by the absence of a broad public policy through the country has been reflected in a high percentage of unwanted pregnancies among young women and girls, the lack of a broad-reach sexual education plan, and in the lack of adequate access to contraceptive facilities and methods, especially for Russian-speaking women, minority and rural women. They are also the most affected group by the narrow spread of scientific information about abortion, contraceptive methods, HIV/AIDS and STI's prevention.

f. Recommendations

The Government of Estonia should:

20. Enact specific legislation on violence against women and reinforce existing instruments against domestic and sexual violence, promoting victims' access to justice, and the implementation of judicial mechanisms that allow adequate investigations and punishment of perpetrators.

21. Create a national statistics center on gender violence, to collect and disseminate reliable information periodically that contributes to monitor the implementation of policies and programmes.

22. Implement a national plan against gender violence that provides a) prevention measures; b) adequate redress and support to victims -reinforcing the existing facilities like medical,

¹⁰ Termination of Pregnancy and Sterilization Act

¹¹ Penal Code, Arts 125 to 128

¹² E.g. Estonian Sexual Health Association, The Estonian Gynecologists Union, among others.

psychological and judicial counseling-; c) police and judiciary training in gender issues and; d) awareness raising campaigns on sexual and domestic violence spreading information about the existing resources and instruments provided by state and NGOs to combat gender violence, among women, girls, men and boys.

23. Ensure the access to scientific and gender-based sexual education in primary, secondary schools and universities, including the promotion of the right to independent self-decision on the own body as regards reproductive and sexual issues.

24. Promote awareness-raising campaigns on sexual and reproductive health and rights, aiming specially at rural women and Russian-speaking women, including counseling services and the provision of accurate information on STI's and HIV/AIDS prevention as well as on contraceptive available methods.

25. Guarantee the adequate access of minority and Russian-speaking women and girls to reproductive health care services, including obstetric facilities.

26. Take special measures to encourage women's advancement in public and private life, and particularly facilitate equality in the labour sphere, including legislation amendments and gender mainstreaming policies to eliminate gender stereotyped roles, in line with CEDAW observations¹³.

¹³ CEDAW, Concluding Observations, CEDAW/C/EST/CO/4, 2007