

## Estonian Women's Associations Roundtable

### SHADOW REPORT

In regard to Fifth and Sixth Periodic Report on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women submitted by Estonia.

September 2016

Estonian Women's Associations Roundtable (EWAR) is an open and democratic women's organizations network operating on the basis of a collaboration agreement signed by fifty women's organisations and regional networks across Estonia.

Estonian Association of University Women  
Estonian Human Rights Centre  
Estonian Union of Pre-School Teachers  
Estonian LGBT Association  
Estonian Association of Rural Women  
Saare Women of the Estonian Association of Rural Women  
Estonian Women Journalists and Editors  
Estonian Women's Studies and Resource Centre (ENUT)  
Estonian Women's League  
Estonian Women's Shelters Union  
Estonian Association of Women in the Police  
Association of Estonian Unions of Disabled Women  
Eidapere Women's Society  
Association of Women Entrepreneurs  
Harju County Women's Associations Roundtable  
Hiiu County Women's Associations Roundtable  
Women's Shelter of Ida-Viru county  
Ida-Viru County Women's Associations Roundtable  
Women's Association of Pro Patria and Res Publica Union (IREN)  
Järva County Women's Shelter  
Järva County Women's Associations Roundtable  
Association of Jõgeva Rural Women  
Jõgeva County Women's Associations Roundtable  
Keila Women's Society  
Kiili Women's Society  
Kõpu Area Development Association "Valguskiir"  
South Estonia Association of Families with Special Needs  
Association of Lääne-Viru Rural Women  
Lääne-Viru County Women's Associations Roundtable  
Meremäe Rural Women Society "Sipelgas"  
NGO "Karukäpp"  
Women's voluntary defence organization  
Women's Assembly "Kadri"  
Women's Training Centre  
National Minority Women's Club Vega  
Young Women's Shelter  
Rapla County Women's Associations Roundtable  
Saare County Women's Associations Roundtable  
Simuna Women's Club  
Tartu Society of Disabled Former Medical Staff "Halastus"  
Tartu County Women's Associations Roundtable

Valga County Women's Associations Roundtable  
Russian Speaking Women's Associations Roundtable  
Association of Viljandi Rural Women  
Viljandi County Women's Associations Roundtable  
Võru Women's Shelter  
Võru County Women's Associations Roundtable Foundation  
Võru Women's Association  
WIIS-Est  
NGO Association for the Protection of Mothers and Children

EWAR is Estonia's national coordination of the European Women's Lobby (EWL)

EWAR monitors the drafting and implementation of national legislation and policies in terms of their impact on reducing gender inequality and promoting gender equality as well as their compliance with relevant international norms and standards.

The UN Convention on the Elimination of All Forms of Discrimination against Women is the most comprehensive and detailed international agreement providing a universal standard for women's human rights. Estonia adopted the Convention 25 years ago, on October 21<sup>st</sup>, 1991.

By ratifying the Convention, Estonia assumed the obligation to eliminate discrimination against women in all aspects of public and private life, taking all possible measures to achieve *de facto* equality between women and men, including temporary special measures.

This report focuses on the areas of the Convention where, in the opinion of EWAR member organisations, government response and action has been lacking or has been inadequate.

EWAR opinions are based on the government report "Fifth and Sixth Periodic Report on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women in Estonia", as well as the response of the government as presented in the „List of issues and questions in relation to the combined fifth and sixth periodic reports of Estonia." Addendum. Replies of Estonia to the list of issues\*\*.

The representatives of EWAR member organisations analysed the women's rights situation in Estonia and the Estonian Government report in their 2014 Summer School brainstorming session and the new developments in their 2016 Summer School.

The Estonian women's organisations are most concerned about:

- the inadequate enforcement of the Gender Equality Act;
- the blurring of the topic and the objectives of gender equality and "hiding" it under other subject areas;
- a very weak institutionalisation of gender equality as a policy field, including limited administrative capacity and lack of political will;
- insufficient funding for women's organisations;
- lack of institutionalisation of gender studies in social sciences; lack of and insecurity of funding;
- gender blind view of violence.

## Article 2

### **Compliance of the national legislation with the Convention and public awareness about the legal aspects**

The Estonian national legislation complies with the Convention – it is forbidden to discriminate on grounds of sex, persons have the opportunity to protect their rights by judicial process, positive special measures are allowed, both public and private sector institutions have the obligation to reduce structural inequality and any sex discrimination.

The Gender Equality Act, which is applicable to both public and private sector, defines the concept of direct and indirect discrimination. Over time, the wording of the norms has been specified and amended, including in terms of temporary positive special measures and shared burden of proof.

Although the legal definition complies with the EU law, i.e. people have the right of recourse to the courts, the labour dispute committee and/or to the Gender Equality and Equal Treatment Commissioner to get an opinion about potential discrimination and they are eligible for benefits in case of discrimination, people usually do not turn to court to protect their rights.

The judicial practice regarding equal treatment of women and men in Estonia is yet evolving; about two to three cases of suspicion of sex discrimination are taken to court every year, which only seldom end in acknowledging the that discrimination took place and in claiming compensation for the victim by the court.

The topics of sex discrimination, including sexual harassment are not widely covered, awareness of legal provisions on equal treatment is very limited and many victims of discrimination do not litigate, fearing they would lose their job.

#### **EWAR recommendation:**

We find that the constitutional obligation of the state to exercise supervision over working conditions should be extended to cover the obligations of the employers as set out in the Gender Equality Act.

### **National institutions responsible for the implementation of the provisions of the Convention**

#### **Chancellor of Justice**

Generally, the Chancellor of Justice has no possibility to ascertain whether a person governed by private law has followed the principle of equal treatment or not. The Chancellor of Justice does have the right to conduct conciliation procedure in disputes of sex discrimination occurring in the public or private sector, but according to the Chancellor of Justice Act it is voluntary, and either party to the dispute can withdraw from the conciliation procedure at any time.

During the 10 years that the Gender Equality Act has been in force, the Chancellor of Justice has not approved any agreements in conciliation procedures.

We find that the rights of women are not fully protected if the respondent party has no obligation to take part in the proceedings and that the conciliation procedure of the Chancellor of Justice does not comply with the subsection of Article 2 of the Convention and thus does not guarantee protection against all forms of discrimination.

It is not apparent from the annual reports of the Chancellor of Justice whether the Office has actively applied measures aimed at promoting gender equality.

In response to the inquiries made by the women's organisations, the Chancellor of Justice submitted a memorandum to the Minister for Social Affairs in 2011 about the implementation of the Gender Equality Act. In the Memorandum the Chancellor of Justice pointed out that although subsection 11(2) of the Gender Equality Act sets out the passing of a Regulation of the Government of the Republic laying down the procedure for collecting gender-based work-related statistics and the data to be collected, it has not yet been done. The Minister responded that the matter should be settled during 2012; however, till today the relevant Regulation has still not been passed.

### **Gender Equality and Equal Treatment Commissioner**

The Commissioner receives complaints from individuals and provides opinions concerning alleged cases of discrimination. In addition to the tasks resembling the ones performed by an ombudsman, the Commissioner has to monitor the compliance with the Gender Equality Act, i.e. how national and local municipality authorities, education and research institutions and training providers fulfil their obligations.

The Commissioner has the right to obtain information relevant for the proceedings, but has no mechanisms to influence the obligated subject, e.g. the right to issue an injunction or impose a coercive measure (payment).

The Commissioner has to analyse the impact of legislation on the situation of women and men in the society. His/her tasks also include promoting gender equality – initiating and implementing programmes, projects, etc.

After 2009, the work of the Commissioner has not longer been targeted only at the protection of women's rights. In addition, according to the Equal Treatment Act, the Commissioner has to conduct proceedings regarding suspicions of discrimination on grounds of race, nationality or ethnicity, age, disability, sexual orientation, religion or other beliefs.

To perform all these tasks, secure long-term funding should be guaranteed, beyond project based funding. However, the government permanent budget allocations to the Commissioner have remained practically unchanged.

EWAR member organisations have expressed the concern that circumstances described above may shift the focus (and also the attention of the public and the media) away from gender equality and women's rights issues where questions of equal treatment of the more clearly distinct minority groups will prevail over gender equality and women's rights agenda.

A positive development in promoting gender equality has been the activity of the Commissioner in the period from 2011 to 2016 in organising training and seminars, preparing a variety of guidelines and conducting studies, as well as making the website [www.svv.ee](http://www.svv.ee) virtually the only communication channel that in addition to covering the norms of equal treatment of men and women shares information about promoting gender equality.

All these activities by the Commissioner have been undertaken thanks to foreign funding.

According to an analysis published by the Ministry of Finance in 2016, there are ideas about merging the institutions of the Gender Equality and Equal Treatment Commissioner and the Chancellor of Justice, in order to cut costs.

#### **EWAR recommendation:**

Commissioner as a separate institution should be maintained and the Government should guarantee its long-term sustainable funding.

The Commissioner should have the right to exercise supervision over the implementation of the Gender Equality Act.

### **Ministry of Social Affairs Department of Equality Policies**

One of the tasks of the Ministry of Social Affairs is to promote gender equality and coordinate relevant activities to ensure equal rights for women.

The Ministry has to analyse the impact of legislation on the situation of women and men in the society, publish reports on the application of the principle of equal treatment of women and men, give advice on the application thereof and provide guidance on the implementation of the Gender Equality Act.

The Department of Gender Equality of the Ministry has been responsible for promoting gender equality, but its tasks are constantly changing.

Originally, the department's tasks included preparing gender equality legislation, planning the measures to reduce gender inequality and coordinating the implementation of these measures.

Then, "planning and implementing gender equality policy and coordinating the implementation of gender equality mainstreaming strategy" was added.

When in 2009 the Ministry of Social Affairs was assigned – according to the Equal Treatment Act - the task to "coordinate the activities relating to equal treatment and drafting relevant legislation" of minority groups – this task was assigned to the Gender Equality Department on top of the already existing ones.

This complex task was given to the Gender Equality Department without any broad-based discussions involving stakeholder groups, among them importantly also women's organisations and without analysing the capacity of the department with limited staff to take on additional tasks without complementary resources and funding.

The women's organisations feared already then that working with the problem of structural gender inequality so deeply rooted in our society (e.g. power imbalance, equal participation in politics, economic independence of women, issues of women's career and status) would be overshadowed by the new tasks.

At the end of 2014 the name and tasks of the Department of Gender Equality were changed again.

EWAR would like to underline that the new name, Equality Policies Department does not indicate gender equality as a distinct policy area. Although one of the reasons for the change was that it should cover all the department's activities, the name of the department fails to make any clear reference to the main area of its work – promoting gender equality.

The tasks of the department have changed as well, because in addition to promoting gender equality and implementing the gender mainstreaming strategy, the department works with drafting and implementing policies and measures to reduce gender-based violence.

Also, the tasks do not explicitly mention other social groups, for which the aim is to achieve equality in terms of results.

Given the above, EWAR member organisations find that the government has not acted in compliance with its international commitments. .

By joining the UN Convention and the Beijing Platform for Action Estonia committed to establishing an institution working with women's rights and reducing sex discrimination and inequality, that is visible within the government and which has the human and financial resources necessary to meet the obligations arising from the Convention and the Platform for Action.

What's more, the department has to coordinate the elaboration of policy measures of equal treatment on the basis of the features of potential discrimination as set out in the Equal Treatment Act. The obligation to implement equal treatment integration strategy was also added.

EWAR member organisations find that in particular the wording of the latter task is not well thought through and disregards international practice.

EWAR member organisations find that the scarce human and financial resources at the disposal of the Equality Policies Department are not adequate to work with different social groups – the problems of women and men of different ethnic and national minorities, minority and majority nationalities, age groups, religions, disabilities and sexual orientation. This does not contribute to fulfilling the Department's task of promoting gender equality and making this agenda visible neither within the government nor for the society generally.

Since entry into force of the Gender Equality Act back in 2004, the Ministry of Social Affairs has not conducted nor commissioned any gender impact analyses of any legal acts or other legal instruments. There are no recommendations on the Ministry's website on the implementation of the Gender Equality Act.

We find that the government has insofar overlooked the fact that Estonia is according to several studies and international reports among the bottom performers in the European Union in terms of gender equality or even holding the worst position.

Despite the fact that for almost a year the Ministry of Social Affairs planned a separate gender equality measure and several activities for the following EU structural aid period of 2014-2020, the Government did not approve it.

**EWAR recommendation:**

Restore a separate department of gender equality, which would in terms of both the name as well as tasks cover the entire policy area of gender equality.

Ensure adequate human and financial resources for the Department that would allow for the tasks arising from the Gender Equality Act to be fulfilled.

Women's organisations should more effectively be involved in the designing, implementing and evaluating policies and programmes to promote gender equality.

**Gender Equality Council**

The Gender Equality Council was established in 2013, i.e. nine years after the Gender Equality Act entered into force.

According to the Act, the Council has to approve the general directions of gender equality policy, advise the Government of the Republic in relation to the strategy of promoting gender equality and to present to the Government its opinion about whether the national programmes prepared by the Ministries comply with Section 9 of the Gender Equality Act and to make proposals in the matters related to promoting gender equality. The Ministry of Social Affairs provides technical support to the Council.

The composition of the Gender Equality Council is very broad-based and not all the members of the Council are gender equality experts.

Estonia does not have a gender equality strategy. The Council submitted its opinion regarding the need for drafting a separate strategy in summer 2014 when the Welfare Development Plan was initiated, however, the Government did not take its position into consideration.

This is the only national programme or strategy that has been sent to the Council for getting expert opinion.

The Council has been rather passive and several technical problems have posed an obstacle to its activities.

**EWAR recommendation:**

Make the Council more active and visible, make its voice heard and include gender experts in the work of the Gender Equality Council.

## Article 3

### Gender Mainstreaming

Estonia has not defined gender equality objectives even in the strategy documents of the areas where major gender gaps have been documented for several years, such as gaps in the life expectancy of women and men and healthy life years in terms of public health and educational gaps.

Unless there is agreement on government level on which aspects of gender inequality and women's direct or indirect structural discrimination to focus on, what indicators to use to measure progress and change, we can hardly expect any proper fulfilment of the tasks of promoting gender equality on all levels. Women's rights and gender equality are not an important part of Estonia's political analyses, policy-making and implementation.

EWAR member organisations are concerned by the limited knowledge of officials of gender equality goals (expressed in opinions as if performing gender impact assessment and preparing respective guidelines, conducting research and analysis or organising gender equality training would occur at the expense some other more important activities) indicate not only lack of competence but also lack of political will.

EWAR member organisations are concerned because no government coalition has acknowledged gender inequality as a problem that needs to be tackled comprehensively. The reasons are rooted in widespread belief that these are private problems and not social processes that can and need to be changed.

Public debates on social issues and their reasons are based on myths, stereotypes and subjective, mainly essentialist preconceptions about gender.

The underlying reason is that the issue of gender stratification and its causes are not addressed on any levels of education in Estonia; and for officials, including senior officials, taking part in gender equality training is voluntary.

#### **EWAR recommendation:**

Draft and adopt regulations necessary for the enforcement of the Gender Equality Act, eg concerning the task of collecting gender segregated statistics as well as outlining the obligations of the national and local authorities, educational institutions and employers in promoting gender equality).

Using legal instruments, define who has to assume responsibility for and monitor fulfilling of tasks related to promoting gender equality and other obligations arising from the Gender Equality Act.

Other ministries besides the Ministry of Social Affairs should establish relevant positions or units, which work with promoting gender equality and integrating the gender perspective in all its policies, programmes and action plans as well as in their respective areas of government. To ensure the visibility of these positions or units, so that anyone, including women's organisations, could turn to them if necessary.

Ensure that all national and local government officials undergo at least basic level training on gender equality.

### **No national strategy on promoting gender equality**

On the EU level, Estonia has accepted the indicators for the follow-up of the Beijing Platform for Action as adopted by the Council and also participated in preparing the Europe 2020 strategy. Estonia signed already the second European Pact for gender equality, committing itself to take measures to close the gender gaps and segregation in employment, promote a better work-life balance of women and men, end violence against women and promote gender equality policies.

Despite all that, Estonia does not yet have a national strategy for achieving gender equality which would clearly define gender equality objectives in different policy domains. The ones that political parties could take into consideration when making their political choices and preparing development plans.

EWAR member organisations find that gender equality in Estonia has mainly been promoted with the support of foreign funding in the project work format. The models, study materials, etc elaborated under various successfully implemented projects, among them those implemented by NGOs, have limited impact because of the lack of funding for follow-up and making them sustainable over the long term.

The public sector also lacks the continuity that is needed because of staff turnover and lack of knowledge management which often leads to loss of field-specific expertise. Rather, it is the the third sector that maintains the necessary knowledge and continuity.

Women's organisation as well as the Equality Commissioner have for years been of the opinion that a solution could be drafting and implementing a national strategy on gender equality and relevant action plans. The Estonian Women's Associations Roundtable Foundation has submitted such proposals on a regular basis since it was established in 2003. For the most part, these proposals have not been taken into account.

In 2014 the Government initiated the Welfare Development Plan 2016-2023 which is necessary for the use of European structural funds in the area of work and social protection. The section of gender equality was added to this document, although the Government had previously decided not to apply for structural aid for the promotion of gender equality despite the relevant proposals made by the Commissioner and the Ministry of Social Affairs.

Both the women's organisations as well as the Commissioner firmly objected to the approval of the document that artificially and mechanically merged these completely different topics. First and foremost we presumed that gender equality will be marginalised even further, since it is considered in the social framework together with welfare services and social protection, i.e. relating to the extreme poverty and misery.

We were also aware of a risk that by now has materialised – although the funds to be allocated reach billions, no attention is paid to the fact that gender equality as one of the four sub-objectives of the Welfare Development Plan does not receive adequate and necessary funding. According to the operational programme for the years 2016-2020 of the development plan that was adopted in 2016, only 0.02% or 2.4 million euros out of 12.192 billion euros are planned for the gender equality..

The vast majority of these 2.4 million euros would be spent on the Office of the Gender Equality and Equal Treatment Commissioner in order to fulfil the tasks arising from the law. The operational programme and the budget, however, include activities that do not require additional funding or for which allocations had already been planned, including activities and events that are being or have long been implemented with the help of foreign aid projects.

Most of the activities are planned from the viewpoint of the ministries and national authorities and no additional funding is ensured. Taking into account the limited staff in the Equality Policies Department and the lack of relevant competence in other ministries, successful performance of these tasks is more than questionable.

According to the development plan, no additional funding is foreseen for the organisations working with gender equality, that in fact could act as partners for the state authorities in implementing the development plan; there is a reference to the project-based funding available from the Gambling Tax Council.

The Gambling Tax Act specifies the organisations and areas for which the Council can provide project-based support. However, women's organisations working with gender equality issues organisations are not listed there.

Throughout the years, a number of projects women's organisations have received support, but the volume has been marginal compared to organisations active in other areas. For example, in 2016 women's organisations received 55,000 euros, which accounted for 0.02% of the 2.5 billion appropriation.

Due to inadequate funding, about half of the 170 organisations that belonged to the Estonian Women's Associations Roundtable Foundation in 2007, have either ceased to exist or are inactive.

**EWAR recommendation:**

Draft a strategic policy document of gender equality (e.g. white paper) that would include the objectives set out in different policy areas, measures and activities to reduce gender inequality, best practices and experiences of other countries as well as the distribution of tasks between various institutions and the organisation of cooperation in promoting gender equality as a common benefit and human right.

Establish a separate section in the state budget for gender equality and provide resources to achieve the above-mentioned objectives, implement the measures and activities.

Ensure stable funding opportunities for the civil society organisations (women's organisations in particular) that have become the main competence centres in the field, similarly to the civil society organisations working in other fields.

**Consultations with stakeholders**

The state report refers to the recommendation put forward in the Gender Equality Act to consult the relevant stakeholder groups and NGOs in planning and implementing different policies.

For us, it is necessary to point out that as a general rule, the state authorities do not find it important or, if **women's organisations are consulted**, the involvement is formal and the submitted proposals are taken into account to a small degree only.

Women's organisations have on their own initiative submitted opinions and proposals concerning quite a number of draft Acts and development plans, but the share of opinions taken into consideration is small.

We can also see the same tendency in relation to the proposals and comments made by the Gender Equality and Equal Treatment Commissioner.

**EWAR recommendation:**

Include women's organisations more often in the planning and evaluation of national and regional strategies, policies, programmes and action plans.

**Impact analysis**

We would also like to emphasise the obligation to conduct gender impact assessment of new legislation in addition to other social impacts as referred to in the Good Practice of Law making.

Estonian Women's Associations Roundtable Foundation finds that this obligation is not fulfilled or is done as a mere formality since the officials lack interest, time and knowledge necessary for such an analysis.

In 2016, for instance, the Administrative Reform Act was adopted, according to which all municipalities with a population below 5,000 must merge with one another. However, no impact assessment was carried out for this piece of legislation that can potentially worsen the situation of tens of thousands of women living in rural areas.

Estonia is currently going through the process of state reform that aims at reducing public services and their regional availability as well as at reducing the number of civil servants, the majority of them being women. Whereas according to our knowledge no gender impact assessment of this reform has been carried out.

**EWAR recommendation:**

Ensure the required gender impact assessment of all legal acts.

## **Article 4**

### **Attitude towards the application of temporary positive special measures**

The Estonian political rhetoric and decisions have so far ignored the opportunity to implement temporary special measures in order to increase the participation of women in decision-making.

For example, in relation to a proposal for the directive concerning the supervisory board of listed companies in the EU, the government decided in 2012 that Estonia supports the objective to ensure a more balanced representation of women and men in the supervisory boards of companies, but clearly objects setting quotas preferring alternative measures that do not infringe the freedom to do business.

**EWAR recommendation:**

Apply gender quotas for the supervisory councils of state enterprises and all national or local government bodies or at least impose an obligation to have both genders represented in these bodies.

## Article 5

### Violence against women

#### National strategies

Estonia does not have a strategy designated for elimination violence against women. In 2014, the Government Work Programme included the objective to prepare and approve a national development plan dedicated to violence against women and domestic violence, but during the drafting process the focus on violence against women was lost and the final result was a general anti-violence strategy.

The Estonian Women's Associations Roundtable and the Estonian Women's Shelters Union were actively involved in the preparation of the document and submitted dozens of detailed proposals for amendments for both the main document as well as the implementation plan. Unfortunately the proposals concerning specifically violence against women, gender specific training of specialists and guaranteeing the necessary support for the women victims were not considered by the legislators.

#### **EWAR recommendation:**

In implementing the national anti-violence strategy measures, particularly the ones addressing the prevention of violence and support to the victims, gender specific aspects should be taken into account and the expertise of women's organisations should be used during the planning and implementing the activities.

#### Statistics

Each year the number of cases of violence against women registered in Estonia is rising and the topic receives more and more attention in the public.

Since 2009, the women's shelters collect anonymous data in a unified format designed by the Estonian Women's Shelters Union about the women who have sought help. Every year the number of women who turn to the shelters increases – 1,570 women in 2012, 1524 women in 2013, 1617 women in 2014, 1763 women in 2015 and more than 1,000 women during the first 6 months of 2016.

Throughout the years, the perpetrator is usually either the partner or the ex-partner of the woman. The majority of women who turn to shelters are 25-49 years old.

The Estonian Police, the Prosecutor's Office, the Victim Support and other national structures collect data about the victims of violence. However, the format of data collected is not harmonised and therefore it is often impossible to identify the sex

#### **EWAR recommendation:**

Improve the uniform collection of data about violence against women.

#### Training professionals

Among other topics, training on violence against women has been organised in Estonia for the people working with the victims of violence and the perpetrators, but only in a project-based manner and it has covered only a minority of professionals which does not ensure proper knowledge and skills to everybody working in this field. The refresher training usually focuses on either domestic violence, sexual violence or trafficking in human beings and the explanation of the aspect of gender is often missing. Also, the training organised so far has not covered all important target groups, for example very little training on violence against women has been provided to child protection workers and medics.

Due to regular changes in the organisational structure of the Police and other national and local government authorities, the officials often change their jobs and therefore a project-based approach to additional training is hardly effective.

The higher education and university curricula of law enforcement, medicine and social sciences do not include violence against women as compulsory module.

It is not possible to provide enough knowledge about violence against women under the planned 2-day refresher mass course on the treatment of victims during criminal proceedings for law enforcement professionals.

A very positive development has been the offering of an elective course on gender-based violence in both Tartu and Tallinn universities since 2015.

**EWAR recommendation:**

Include a training module on violence against women in the compulsory basic education of the professionals who in their work encounter the victims of violence or the perpetrators.

Organise adequate and sufficient additional training on violence against women for all specialist who are already working – i.e. child protection and social workers, psychologists and psychotherapists, victims support staff, medics, police officials, prosecutors and judges.

**Legislation and implementation thereof**

The Estonian legislation concerning criminal proceedings has been consistently amended in order to punish for committing violent acts and ensure a better protection for the victims.

In previous years several positive amendments have been made in the Penal Code, e.g. it is now considered an aggravating circumstance if the offence is committed against a person who lives with the offender or is otherwise in a family relationship with the offender. The part of the Penal Code concerning sexual violence has also been significantly amended. According to plans, the Penal Code will be further amended to include a section on stalking and to criminalise genital mutilation and forced marriage.

It is easy for the victims to submit a report of a criminal offence. According to law, the victims of violence can apply for a restraining order and the police can instantly impose a short-time emergency barring order.

In previous years, the Committee has given recommendations to Estonia to adopt a separate law on domestic violence. Considering the amendments already made in the existing legal acts, we find that the mentioned recommendation is no longer relevant. However, the problem lies in the inconsistent and insufficient application of the existing law.

For instance, the practice on applying the temporary restraining order during criminal proceedings varies a lot by regions and in some counties it has almost never been used. The practice concerning the investigation of cases of domestic violence and the termination of a criminal proceeding also varies a lot. The enforcement of the restraining order is also problematic.

In order to fully use the means established by law it is necessary to increase specialisation in the police, the prosecutor's office, and the judicial system so that people with suitable personal qualities and knowledge would work with cases of violence.

Practitioners of several fields have agreed that there is a need for higher specialisation, but the idea has not received support on the higher level. Unfortunately, recently quite the opposite trend can be observed, especially in the police that has suffered severe budget cuts and changes in the organisational structure.

EWAR member organisations estimate that the capacity of other law enforcement authorities to successfully conduct proceedings of cases of violence against women is also jeopardised due to constantly added tasks and the same or even reduced budget.

However, what needs to be solved on the legislative level, is the failure to take domestic violence into consideration while determining the right of custody over children. Quite often, the court judgement does not take into consideration the safety needs of women and children.

Women's organisations have made a proposal to amend the Family Law Act so that in determining the right of custody over children the judges would have an obligation to take into consideration, among other factors, previous violent behaviour of the parents including the child being a witness of violence.

**EWAR recommendation:**

Ensure for the law enforcement authorities adequate necessary resources for conducting the proceedings of cases of violence and move towards greater specialisation of staff in order to have more effective and victim friendly proceedings.

Take into use necessary technical measures to guarantee the enforcement of the restraining order.

Supplement the Family Law Act in a way that in determining the right of custody, the occurrence of domestic violence would always be considered and the experts of violence against women would be included in the proceedings.

### **Women's Shelters**

As of 2016, the service of women's shelter is available in every county in Estonia for all victims of violence against women. The service is developed and provided by independent NGOs whose main statutory objective is to help the victims of violence against women.

The women's shelters offer crisis counselling, case-based counselling including risk assessment, security planning, information about relevant legislation and support opportunities available besides the shelter as well as overall empowering of women. If necessary, women are escorted in dealings with the authorities and in court. Also, temporary accommodation is available for women and the children accompanying them. The volume of these so-called basic services is not limited.

Psychologist and psychotherapist services as well as legal assistance including representation in court are also available in each county women's shelter. The latter is unfortunately not available in a volume to meet the full need of the victims, but it is an important achievement that services of equally high quality are now available in every region in Estonia.

All members of the shelters' staff have completed a thorough training in violence against women. Estonian Women's Shelters Union has prepared their detailed service description and has adopted a Code of Ethics.

The state funding of the shelters that (through the Ministry of Social Affairs) has increased year by year, but much of the work is still done on a voluntary basis.

In 2014, for example, 470,000 euros were allocated for the provision of the basic services in 13 counties and counselling services received 170,000 euros via Norway Grants programme. In 2015 basic services received 500,000 and counselling services 185,000 euros. In 2015, the basic services in 15 counties were supported with 500,000 euros and counselling with 225,000 euros, i.e. regardless of the increase in absolute terms, the funding per county has diminished.

For the next year, the planned budgetary allocation for the basic and counselling service combined is 620,000 euros, which means even further cuts.

### **The amendment of the Victim Support Act**

In 2015, the Ministry of Social Affairs initiated drafting an Act to make the women's shelter service a national service that would be outsourced and ensured by the Estonian National Social Insurance Board.

Women's shelters were included in the active drafting process only through official correspondence during the final approval round.

The Estonian Women's Shelters Union submitted following proposals for the draft Act:  
to include the Istanbul Convention full definition of violence against women into the Act;  
that the content of the service and the requirements to the service providers would be clearly regulated by a ministerial order and would not be at the discretion of the tendering authority;  
that instead of companies or other types of legal persons the preferred service providers would be NGOs whose statutory objective is to help victims of violence against women,  
that only women would work in the shelters and that there is a legal requirement to have the shelters in all counties. These proposals have not been taken into account by the Government.

In terms of debate, women's shelters were actively involved in the drafting process only at the later stage during the legislative proceeding in the Parliament.

By today, the Parliament committee of social affairs has reached a consensus that there is a need to guarantee the service in all counties and the Ministry of Social Affairs has agreed to establish a recommended standard of service.

Based on the current text of the draft Act the women's organisations are still not convinced that the service in the future is provided considering the gender-based nature of violence against women, or that it is provided by women. Also, any winning bidder can provide the service, given that the staff has undergone relevant refresher training.

The currently functioning shelters do not know whether they will receive state funding for the next year, it will be clear once the tendering procedure is completed.

**EWAR recommendation:**

Ensure a gender sensitive approach in providing the women's shelter service.

Ensure adequate funding to offer support that meets the victims' needs in all areas of Estonia.

**Article 6**

**Trafficking in women and prostitution**

The Estonian Government has done a lot in the fight against trafficking in women. The punishment imposed on traffickers comply with all international agreements, and all required help is available to the victims, who are relatively few. Various groups of specialists have received a lot of training on trafficking in human beings.

The state does not regulate prostitution, but ensures the necessary assistance services for the women involved (according to estimations about 600 women). Government has prepared a draft law criminalising buying of sex from trafficking victim.

**EWAR recommendation:**

Estonian women's organisations suggest that buying sex would be criminalised in Estonia as it is criminalised in Scandinavia.

## **Article 10**

### **Gender stereotypes in education**

Although following the first report the Committee made a recommendation to prepare very thorough educational programmes that would aim at changing the traditional gender stereotypes and roles in family, work, politics and the entire society, this problem has not been taken on board the Ministry of Education and Research.

The Gender Equality Act lays down the legal basis for targeted actions to reduce gender inequality and promote equality in the field of education, but no concrete objectives - not to mention measures - have been established to achieve more equal results in education.

Education has a key role in the learning and socialising process in terms of coining and passing the gender stereotypes on to children and young people. We find that the ministry has completely overlooked this issue. However, having no basic knowledge about the reasons and nature of gender inequality is an obstacle in implementing gender equality policies.

In the field of education, there are concerns about not having male teachers, low wages, boy drop-outs, boys not performing as good as girls and having behavioural problems, bullying and violence, including cases of gender-based and sexual harassment, about young people not in education or labour market – the majority of them being young men; but these problems are not analysed from the gender perspective in the light of widespread gender stereotypes and roles. What prevails is the essentialist approach of the past century and a strong belief in the biological determination of gender roles.

Estonia has recognised the importance of up-to-date teacher education and training, but the education policy documents make no mention of the knowledge necessary for the profession of teachers about gender as one of the main categories in the society, the factors influencing the formation of gender identity of the pupils and gender equality.

There is no regulation in Estonia on how to avoid textbooks that reproduce the gender stereotypes and the legal obligation of the publishing houses to edit the textbooks does not meet the purpose. Every teacher has to choose which textbook to use. For as long as the teachers do not have prior knowledge about the nature and manifestations of gender stereotypes, learning materials that deepen the gender roles and stereotypical expectations, will continue to be used in our schools.

There are no institutions in Estonia that analyse on a regular basis the curricula, the content of the subjects, educational standards, the means of learning, the organisation of classroom and school life, etc, in order to eliminate gender stereotypes from all levels of education.

Since 2008, the Estonian Women's Associations Roundtable and its members have carried out a number of projects and prepared guidance materials on how to reduce and eliminate gender stereotypes in education. So far, the activities have been project-based and do not ensure the continued effective use of the competences acquired by the NGOs and the best practices.

#### **EWAR recommendation:**

Impose concrete obligations on the educational institutions in regard to promoting gender equality and ensuring necessary guidance materials and advice by the state.

Review and amend the curricula, syllabus and learning materials of all levels of education from the gender equality perspective and to stop the use of textbooks and study materials that reproduce stereotypical gender roles. All new textbooks and learning materials should in the future be reviewed from the gender equality perspective before they are taken into use.

Organise at least basic gender equality training to all practising teachers and leaders of education.

Ensure that the gender aspect is integrated in the teacher training.

Ensure that the results of successful projects of promoting gender equality carried out with the support of foreign funding will be implemented.

## Article 11

### Gender pay gap

In Estonia, the average hourly pay for women has remained lower than for men ever since regaining independence in 1991. Women working in the same profession and fulfilling comparable tasks receive lower salary than men do.

So far, no Government has been able to take decisive steps in order to close the gap.

Although there is a more active public debate going on over the past few years, the widespread understanding unfortunately is that it's in not a serious problem or gender-based discrimination. Working with the pay gap is considered an excessive intervention in the contractual relationships.

The stereotypical attitude towards the roles and suitable jobs for men/women is still widespread in the society.

In 2013, the Ministry of Social Affairs approved an action plan on the closing of the pay gap. Since the activities were rather planned on the basis of measures that already existed under other action plans, the approach to closing gender pay gap is not very strategic nor targeted.

The plan covered five blocks of actions: better application of the Gender Equality Act; improving the opportunities of life-work balance; taking the gender aspect into consideration throughout education and labour policies; reducing and eliminating educational and work-related segregation; and analysing the wage systems and providing support for the amendments where necessary.

The action plan only provided for soft measures (analysis, awareness raising, etc) but no mechanisms to supervise how the norms are met. In addition, it did not include measures for assessing the value of work, analysing the impact of wage systems and wage negotiations or study other factors that influence wages.

The Welfare Development Plan 2016-2020 sets out a number of awareness raising activities in order to reduce the pay gap. Also, there is a plan to prepare guidance document for evaluating and comparing jobs on a transparent and objective basis and improve the collection of relevant national statistics. Since the resources allocated for these activities are extremely scarce, we might not be able to see any results.

The current situation, where the labour Inspectorate has no right to check the employment contracts and remuneration in order to compare the wages of women and men for a comparable work, is in conflict with the Estonian Constitution, which sets out, that state should have control over working conditions.

An amendment of the Gender Equality Act is being drafted, according to which the Labour Inspectorate shall have the right to exercise state supervision over the principle of equal pay to women and men, to define what is equal or comparable work and specify the Gender Equality Act regulation in order to support both the application of the principle of equal pay as well as the supervision.

The amendment will repeal the requirement to establish a list of data and the procedure for collecting it, which has anyway not been fulfilled by the Government. However, the amendment entails the risk that the obligation of the employer to collect work related statistical data for the purposes of promoting gender equality currently foreseen in the Gender Equality Act will be limited to the data on wages, which is clearly insufficient to promote gender equality as a wider objective.

#### **EWAR recommendation:**

Not to repeal the obligation to issue a Government of the Republic Regulation laying down the obligation and the procedure for collecting work related statistical data and adopt such Regulation.

The Labour Inspectorate should have the right to exercise supervision over the compliance with the norm of equal treatment of women and men in work life. It should not be limited to the right to check the equal pay for equal work but cover employment more broadly – training, rest time, work-life balance and career opportunities.

To continue the collection, analysis and publication of gender data that is successfully collected by the Statistics Estonia under the Norwegian support programme and ensure necessary resources.

## Article 14

### Rural women

The Commission recommended to prepare policies and programmes to guarantee economic well-being of rural women. It has not been studied what kind of access do rural women have to training, public services and being involved in decision-making.

The national statistics do not reflect the situation of rural and urban women in different areas of life, the programmes influencing the situation of rural women and working in family businesses have not been analysed.

The women's organisations are concerned about the varied and generally reduced availability of public services for women living in rural low-density areas. Since the population of rural areas is quickly shrinking, many kindergartens, schools, libraries, post and GP offices are closed down, in some areas the number of police has been reduced. While these services tend to move to county centres, specialised medical care concentrates in bigger cities and becomes even less available. The impact of all these processes could be balanced by the use of improved, flexible and affordable public transport because not all rural women have the opportunity to use a personal car. Unfortunately the public transport system is shrinking, too.

In conclusion, all this makes rural women more vulnerable, especially elderly women living alone, middle-aged women who have lost their job or single mothers. Although the idea behind these changes is to improve the quality of services, the women cannot possibly benefit from a high quality service if they don't have access to it. Also, since the quality of internet connection varies, there are still problems with access to e-services in the rural areas. The low digital literacy among elderly people is also part of the problem.

During the ongoing administrative reform, the impact of merging local municipalities has not been thoroughly analysed but according to the input from the women's organisations, the share of women in the new municipal councils might be substantially smaller compared to before.

The state report points out that the Estonian Association of Rural Women was involved in the development of the Rural Development Plan 2007-2013 and the existence of the network in all counties that made it possible to participate.

However, we must add, that during the preparation of the currently valid Rural Development Plan 2014-2020 the Association was only invited to participate in the information events and was not included during the actual preparation of the measures. The statutory activities of the Estonian Association of Rural Women and its sub-organisations are hampered by the lack of resources and thus the organisation has become rather inactive over the past few years.

**EWAR recommendation:**

In planning any decisions concerning rural life, analyse their impact on women and foresee preventative measures to minimise negative impact.

## **Article 16**

### **Protection of women's rights after cohabitation relationship break down**

It is very common in Estonia to live together without being married. Most of the children are born outside of marriage.

Before 2010 when the new Family Law Act entered into force, the women's organisations repeatedly raised the question of the need to cover de facto cohabitation in order to ensure the protection of women after separation but unfortunately the Act does not include it. The women's organisations placed their hope on the planned registered partnership legislation.

In 2015 the Registered Partnership Act was adopted, giving the right to conclude a notarial registered partnership contract to couples living together, including same sex couples.

The procedure for concluding this contract and its legal consequences copy the regulation of the Family Law Act to a great degree, i.e. the Act solved problems for same sex couples.

However, there is still no recognition of factual cohabitation, whereas in Estonia it is usual that the women are most vulnerable after cohabitation relationship break down.

#### **EWAR recommendation:**

To amend the current Family Law Act so that it includes the rights and obligations of the partners after cohabitation relationship break down.

### **In conclusion**

Even though a lot of progress has been made and positive shifts have taken place since 2007 when the previous periodic report was reviewed, gender inequalities persist and remain a major problem and challenge.

What we see as a trigger to continued progress would be cardinal change in our government's attitudes toward gender equality seeing it as central to the country's socio-economic growth.