

## Estonia

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The law provides women with the same rights as men to enter into marriage and the law is based on consent of both spouses (Family Law Act, sect. 7). Forced marriage is considered void under the legal framework (Family Law Act, sect. 10). The law provides for official registration of religious marriages (Family Law Act, sect. 6). Informal or de-facto unions are regulated under the Registered Partnership Act (sect. 7). However, despite the Registered Partnership Act, the Estonian Women's Associations Roundtable (2016) notes that women involved in a factual cohabitation remain vulnerable after the break down of the relationship.

#### b) Child marriage

The legal age of marriage for women and men is 18 years old (Family Law Act, sect. 1). A court may authorise a marriage below the legal age of marriage only for persons who are at least 15 years old (Family Law Act, sect. 1). Child marriage is void under the Family Law Act (sect. 9).

Child marriage is reportedly not a practice of concern in Estonia and its incidence is minimal (Committee on the Rights of the Child, 2017).

#### c) Household responsibilities

The law provides women with the same rights as men to be recognised as the head of household (Family Law Act, sect. 15). The law provides women with the same rights as men to be the legal guardians of their children during marriage and in informal unions and women have the same rights and responsibilities as men with regards to their children (Family Law Act, sect. 116, 117 & 120).

Furthermore, the law provides married women with the same rights as married men to choose where to live (Family Law Act, sect. 21). The law provides unmarried women with the same rights as unmarried men to choose where to live (Constitution, art. 34).

The CEDAW Committee (2016) stresses the persistence of stereotypes concerning the roles and responsibilities of women and men within the family and society and a disproportionate burden on women to perform domestic chores which impede on their career advancement. Parental responsibilities and caring duties are unequally shared within Estonian households and women are over-represented in unpaid care work and domestic activities (CEDAW, 2015 & European Commission, 2017). Women reportedly dedicate twice the time men do to household work (European Commission, 2012). This is further exemplified by the low employment rates of women with at least one child below three years old in comparison to that of men (CEDAW, 2015). Statistics show that in 2013, the employment rate of women with one child below three years old was 23% while the employment rate of men with one child below three years old was 91% (CEDAW, 2015).

#### **d) Divorce**

The law provides women with the same rights as men to initiate divorce and women have the same requirements as men to finalise a divorce or annulment (Family Law Act, sect. 64 & 65). Additionally, women are granted the same rights as men to be the legal guardians of their children after divorce and women have the same rights and responsibilities as men with regards to their children after divorce (Family Law Act, sect. 137, 143 & 145).

Divorce rates are high in Estonia (Emery, 2013). Fathers are rarely given the custody of their children after divorce building on traditional gender roles that mothers should bring up the children (Emery, 2013). Estimations show that financial support for the parent given custody is low, as 40% of divorced mothers receive financial support from their ex-husband (Emery, 2013). Single mothers are considered a vulnerable group (EWU et al., 2016).

#### **e) Inheritance**

The law provides daughters with the same rights as sons to inherit land and non-land assets (Law of Succession Act, sect. 13). The law provides female surviving spouses with the same rights as male surviving spouses to inherit land and non-land assets (Law of Succession Act, sect. 16 & 17). Women and men are granted the same rights to make a will (Law of Succession Act, sect. 19).

There is no legal discrimination regarding inheritance and there are no practices which may restrict these rights.

## **2. Restricted Physical integrity**

### **a) Violence against women**

Estonia has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in 2017.

There is no law addressing violence against women including specific provisions for investigation, prosecution and punishment of the perpetrator.

The Victim Support Act (2003) establishes support centre services to victims of violence against women. Services include accommodation, psychological and legal counselling as well as support for children of the victim (Chapters 2 and 6). Shelters and a helpline are available for victims of gender-based violence (CEDAW, 2016). The helpline is run by the Estonian Women's Shelters Union and provides free of charge 24/7 counselling, support and advice in Estonian and Russian (CEDAW, 2015). Victims can apply for a restraining order, however it is reported that victims may be reluctant to do so for social and financial factors or fear of retaliation (CEDAW, 2015). The Ministry of Social Affairs allocates funds to the women's shelters (EIGE, 2016a). There are 13 women's shelters operating in Estonia (EIGE, 2016a). The Government also funds awareness-raising projects to prevent prostitution, domestic violence and other forms of violence against women (EIGE, 2016a).

A survey realised in 2014 shows that since the age of 15 years old, 33% of women have been the victims of physical and/or sexual violence (EIGE, 2016a). Under-reporting and stigma continue to prevail in Estonia with regards to violence against women (EIGE, 2016a).

### **b) Domestic violence**

Domestic violence is considered an aggravating circumstance under the Penal code, notably when the offence is committed against a person who is in a service or financially dependent relationship with the offender, against a former or current family member, against a person who lives with the offender or a person who is otherwise in a family relationship with the offender (sect. 58).

The Strategy for Preventing Violence (2015-2020) encompasses violence between children, abuse of children, domestic violence (intimate partner violence), sexual violence and trafficking in human beings (Ministry of Justice, 2015). The Strategy is based on four goals, notably prevention, education and violence detection mechanisms, support and protection of victims, improving the proceedings of violence cases and treatment of perpetrators (Ministry of Justice, 2015). The Strategy includes budgetary commitments through the operational programme (Ministry of Justice, 2015).

Additionally, the Government has been implementing prevention measures on domestic violence (CEDAW, 2015). As such, police officials have a regulation on how to treat victims of domestic violence and how to investigate and record cases of domestic violence (CEDAW, 2015). Training sessions on domestic violence have also been led for police, prosecutors and judges (CEDAW, 2015). Educational institutions have also been involved in this effort and awareness-raising activities have been held in schools (CEDAW, 2015). Women's shelters provide a range of services including psychological, social, legal counselling, information about services provided by various agencies and accommodation (CEDAW, 2015). Women victims of violence can also seek help to the national Victim Support System (CEDAW, 2015).

The most common form of domestic violence reportedly occurs between intimate partners (CEDAW, 2015). According to information provided by women's shelters, most women who seek shelter and counselling services are victims of psychological and physical violence and in a lesser part to economic violence and sexual violence (CEDAW, 2015). The perpetrator is in most cases the woman's partner or ex-partner (CEDAW, 2015). The CEDAW Committee (2016) reports that conciliation is often preferred to settle cases of domestic violence and perpetrators are punished by pecuniary fines. Additionally, it appears that domestic violence is often not taken into account in court decisions related to custody of children notably due to a lack of training and awareness of the judicial staff on domestic violence (CEDAW, 2016).

### **c) Rape**

Rape and sexual violence are criminalised under the Penal code (sect. 141). Rape is punishable of imprisonment of one to five years (Penal Code, sect. 141). The law is based on lack of consent; however the restricted definition of rape implies that physical force or resistance is needed as proof (Penal Code, sect. 141 & CEDAW, 2016). Marital rape is included in the legal definition of rape (Penal Code, sect. 141 & 58). The law provides for increased penalties for aggravated forms of rape and sexual violence, notably if the act is committed against a person less than 18 years old, if it is committed by

a group, if serious damage is caused to the health of the victim, if it causes the death of the victim, if it leads the victim to suicide or suicide attempt, in which cases it is punishable of imprisonment of six to 15 years (Penal Code, sect. 141). The law repeals discriminatory practices such as reduced sentences or escaping punishment if the perpetrator marries the victim (Penal Code, sect. 58).

There are no rape or sexual violence crisis centres, nonetheless women victims of rape may seek help in the women's shelters which offer psychological, social, legal counselling, information about services provided by various agencies and accommodation (Advocates for Human Rights, 2014).

Reports show that in most cases of rape and sexual violence, the perpetrator was a partner or an ex-partner or the victim knew the perpetrator (US Department of State, 2016). The European Women's Lobby (2013) stresses that the requirement in court to provide proof of rape is particularly difficult in case of marital rape where the testimony of the victim is usually the only evidence. This leads to additional traumatism for victims to go through court procedure and often deter women to file a complaint (European Women's Lobby, 2013).

#### **d) Sexual harassment**

The legal framework provides legal protection from sexual harassment (Gender Equality Act, sect. 3). The law on sexual harassment includes civil remedies but no criminal penalties (Gender Equality Act, sect. 12). The definition of sexual harassment only covers the workplace (Gender Equality Act, sect. 10 & 11). According to a survey, it is estimated that 44% of women in Estonia have experienced sexual harassment (EIGE, 2016a). A study on sexual harassment and gender discrimination in the workplace reveals that 56% of respondents have experienced sexual harassment in the workplace (Praxis, 2013). The most common form of sexual harassment appears to be inappropriate jokes, comments and looks (Praxis, 2013). The majority of the respondents believed that the employer bears the responsibility to solve sexual harassment issues (Praxis, 2013).

#### **e) Female genital mutilation**

The Penal Code specifically addresses female genital mutilation (FGM) in Estonia (sect. 118-1). Disabling genital mutilation of a woman or a girl of less than eighteen years of age is punishable by up to five years' imprisonment (Penal Code, sect. 118-1). Additionally, taking a person in a state where it is possible to persecute or humiliate him or her on grounds of race and gender or for other reasons is punishable by imprisonment of up to five years and a fine (Penal Code, sect. 134). FGM is reportedly not a practice of concern in Estonia and there are very low numbers of women originating from countries where FGM is practised (EIGE, 2013).

#### **f) Abortion**

Abortion on request is legal within the first 12 weeks of the pregnancy (Termination of Pregnancy and Sterilisation Act, sect. 5). A woman who seeks a legal abortion must provide her consent in written form (Termination of Pregnancy and Sterilisation Act, sect. 5). An abortion can be sought within the first 22 weeks of the pregnancy in case the pregnancy endangers the pregnant woman's health, the unborn child may have a severe mental or physical damage to health, the illness or the health problem of the pregnant woman hinders the raising of the child, the pregnant woman is below the age of 15

years old or if she is older than 45 years old (Termination of Pregnancy and Sterilisation Act, sect. 6). Minors who seek an abortion are not required to obtain the permission of a parent or a guardian.

### *More*

Estonia represents a source, transit and to a lesser extent a destination country for trafficking in women and girls for sexual exploitation and forced labour (CEDAW, 2016). The Government has put in place several measures to combat trafficking of women (CEDAW, 2015).

## **3. Restricted Access to productive and financial resources**

### **a) Secure access to land and assets**

Regarding land, property and other non-land assets, the law provides married women with the same rights as married men to own, use, make decisions and use as collateral (Family Law Act, sect. 28 & 57). Regarding land, property and other non-land assets, the law provides unmarried women with the same rights as unmarried men to own, use, make decisions and use as collateral (Constitution, art. 32). Additionally, regarding land, property and other non-land assets, women and men are provided with the same rights after divorce or separation to own, use, make decisions and use as collateral (Family Law Act, sect. 37). Furthermore, regarding marital property, a married woman has the same rights as a married man to administer (Family Law Act, sect. 28 & 41). No restrictions were located regarding joint land titling for land used or acquired by married couples and informal unions (Law of Property Act, sect. 70).

The Government implemented an e-democracy project to widen the range of possibilities for people to participate in decision-making processes in rural areas (CEDAW, 2015). The Association of Estonian Rural Women aims to create a network for rural women and is an umbrella organisation (CEDAW, 2015).

In its shadow report to the CEDAW Committee, the Estonian Women's Associations Roundtable (2016) stresses that rural women face barriers in accessing public services, such as medical centres, kindergartens, schools, libraries, post and the number of police officers has been reduced.

### **b) Secure access to formal financial resources**

The law provides married women with the same rights as married men to open a bank account at a formal financial institution (Gender Equality Act, sect. 2). Additionally, the law provides married/unmarried women with the same rights as married/unmarried men to obtain credit (Gender Equality Act, sect. 2).

The CEDAW Committee (2016) stresses that there are no microcredit schemes or a strategy for the economic advancement of women and that female entrepreneurs remain low.

### c) Workplace rights

Estonia has ratified several of the International Labour Organisation Conventions, notably the Equal Remuneration Convention (No. 100) and the Discrimination (Employment and Occupation) Convention (No. 111).

The law mandates non-discrimination on the basis of sex in employment and specifically covers recruitment, hiring, terms and conditions, promotions, training, assignments and termination (Gender Equality Act, sect. 6). Additionally, the law mandates equal remuneration for work of equal value (Gender Equality Act, sect. 6). The law does not prohibit women from entering certain professions. Women are allowed to work the same night hours as men (Employment Contracts Act, sect. 50).

The law mandates maternity leave, of 20 weeks, with 100% of wages paid by the Government (Employment Contracts Act, sect. 59 & Health Insurance Act, sect. 54). Additionally, the law mandates paternity leave, for ten days, with 100% wages paid by the Government (Employment Contracts Act, sect. 60 & 66). Paid parental leave benefit is available for either parent for 435 days with partial wages paid by the Government (Family Benefits Act, Art. 34 (2)). The amount of parental benefit per calendar month shall be 100% of the average income per calendar month (Family Benefits Act, Art. 37 (5)).

The law protects women's employment security when they are on maternity leave (Employment Contracts Act, sect. 93). Additionally, the law prohibits employers asking about a woman's pregnancy or her intention to have children during the recruitment process as an employer is prohibited to ask for any information for which the employer does not have a legitimate interest notably regarding questions that disproportionately concern the person's private life (Employment Contracts Act, sect. 11).

The law does not require women to have permission from their husband or legal guardian to choose a profession, occupation or work or to register a business (Constitution, art. 29 & 31).

Complaints based on sex discrimination in employment are resolved by a court, a labour dispute committee or through conciliation proceedings by the Chancellor of Justice (Gender Equality Act, sect. 12). The Chancellor of Justice also has the competence of ombudsman and the violations of the principle of non-discrimination in the activities of public authorities falls under her/his mandate (CEDAW, 2015).

The Welfare Development Plan (2016-2023) integrates some aspects of gender equality, such as gender pay gap, care obligations, poverty, employment rate, gender segregation in the labour market and in decision-making positions (EWU et al., 2016). However, it is reported that the Welfare Development Plan is insufficiently targeting gender equality (EWU et al., 2016).

The CEDAW Committee (2016) notes that persistent stereotypes regarding women and men's roles and responsibilities within the family and within society continue to impede on women's opportunities within the labour market and career developments in leading positions, mostly owing to the unequal share of parental responsibilities which disproportionately falls on women.

The CEDAW Committee (2016) further stresses that horizontal and vertical occupational segregation persists in Estonia. Employment of women and men reveal traditional perceptions of jobs deemed

appropriate for women and men; as such women are mostly employed in education, wholesale and retail trade and manufacturing while men are mainly involved in manufacturing, construction, transportation and storage (CEDAW, 2015). Additionally, women tend to be employed as business and administration professionals; legal, social, cultural professionals or personal service workers while men are employed as drivers and mobile plant operators or building and related trades works (European Commission, 2012). Women are also less likely to be employed in decision-making positions (European Commission, 2012).

The gender pay gap is high in Estonia due to the persistence of gender stereotypes and segregation in the labour market (EWU et al., 2016). Estimations show that women earn 27% less than men, which represents one of the highest gender pay gap in Europe (European Commission, 2012). Women reportedly tend to accept lower-paid positions than men (CEDAW, 2015). Additionally, the CEDAW Committee (2016) reports that women often face discrimination on returning to work after maternity leave. Moreover, reports show that lone mothers are particularly vulnerable with regards to employment (EIGE, 2016).

## 4. Restricted Civil liberties

### a) Citizenship rights

The law provides married/unmarried women with the same rights as married/unmarried men to acquire, change or retain their nationality (Law on Citizenship, sect. 6, 22 & 16). The law provides married women with the same rights as married men to confer nationality to their spouse (Law on Citizenship, sect. 6). Married/unmarried women are provided with the same rights as married/unmarried men to confer nationality to their children (Law on Citizenship, sect. 5).

The law provides married/unmarried women with the same rights as married/unmarried men to register the birth of their children (Vital Statistics Registration Act, sect. 23). The Constitution does not recognise and prohibit multiple or intersectional discrimination, nonetheless it includes a provision prohibiting discrimination on the basis nationality, race, colour, sex, language, origin, religion, political or other views, property or social status or any other ground (sect. 12).

The law provides married/unmarried women with the same rights as married/unmarried men to apply for identity cards (Identity Documents Act, sect. 5). The law provides married/unmarried women with the same rights as married/unmarried men to apply for passports (Identity Documents Act, sect. 21). Additionally, women are granted the same rights as men to acquire passports and other travel documents for their minor children (Identity Documents Act, sect. 10). Women and men are provided with the same rights to travel outside the country (Constitution, sect. 35).

### b) Voting

The law provides women with the same rights as men to vote (Constitution, sect. 56). There is no legal discrimination regarding voting rights and there are no discriminatory practices which may restrict these rights.

### c) Political voice

The law provides women with the same rights as men to hold public and political office within the legislature, the executive and the judiciary (Constitution, sect. 59, 79 & 147). There are no legal quotas nor special measures to promote women's political participation at the national and local level.

Awareness-raising campaigns have been led with activities including seminars, training, conferences and roundtables, a series of radio programmes and articles on women's participation in politics (CEDAW, 2015).

The CEDAW Committee (2016) stresses the low representation of women in parliament and in local administrative bodies and particularly the low representation of disadvantaged groups of women such as rural women, women from ethnic and linguistic minorities and women with disabilities. Leading and decision-making positions remain prevalently held by men in the public sector (CEDAW, 2015). Estonian politics remain characterized by patriarchal ideals and attitudes (Transparency International, 2015). Discriminatory opinions and beliefs that doubt women's abilities to be involved in politics continue to impede on women's access to decision-making positions within politics (Transparency International, 2015). Reports also show that political parties lack willingness to place women in strategic positions or to place female candidates to compete in strategic districts (Transparency International, 2015).

### d) Access to justice

The law provides married/unmarried women with the same capacity as married/unmarried men to be sued and to sue (Constitution, sect. 12). A married/unmarried woman's testimony carries the same evidentiary weight in court as a married/unmarried man's in all types of court cases such as civil, criminal, family court or tribunal (Constitution, sect. 12).

The law includes elements to ensure that women are able to exercise their rights to sue, for instance while not specifically targeting women, under the State Legal Aid Act, legal aid is provided to people who are unable to pay for competent legal services (sect. 6). Furthermore, the Code of Criminal Procedure includes a provision allowing the hearing of witnesses via a televised link in case the hearing involves excessive cost for the witness or in order to protect the witness or the victim (sect. 69). Additionally, if the witness is 14 years old and the hearing is related to domestic violence and sexual violence, a child protection official, social worker, teacher or psychologist must be present at the hearing (Code of Criminal Procedure, sect. 70).

The specialized bodies tasked with monitoring gender equality are the Gender Equality and Equal Treatment Commissioner, the Ministry of Social Affairs and the Gender Equality Council. The Gender Equality and Equal Treatment Commissioner is mandated to monitor compliance with the Gender Equality Act (Gender Equality Act, sect. 15). The Gender Equality Council serves as an advisory body within the Ministry of Social Affairs to approve the general objectives of gender equality policy, advise the Government and elaborate strategies (Gender Equality Act, sect. 24). The Ministry of Social Affairs is tasked to provide consultations and analyse the effects of laws related to gender equality as well as to elaborate reports on the principle of equal treatment of women and men (Gender Equality Act, sect. 22). Within the Ministry of Social Affairs, a unit is mandated to provide consultations to all



persons on gender equality and refer them to the appropriate institution to resolve their case of discrimination (Gender Equality Act, sect. 23).

However, the CEDAW Committee (2016) notes that the Gender Equality and Equal Treatment Commissioner cannot take cases of discrimination to court or represent the complainant to court. There has been reportedly few court cases on sex discrimination, notably due to low awareness, cost and time of legal procedures and low political willingness (European Commission, 2017). Training on gender equality is reportedly not systematically taught for judicial staff which leads to persistent prejudices and stereotyping in the courtroom (EWU et al., 2016).

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