

ESTONIA

The Constitution of Estonia provides for equal rights for men and women.¹ The Gender Equality Act (GEA) entered into force on 1 May 2004, clarifying terms such as gender equality, equal treatment for men and women, direct and indirect discrimination based on sex and stipulating grounds for the promotion of equal treatment for men and women.² In 2009, the GEA was amended and the Equal Treatment Act (ETA) entered into force, also new Employment Contracts Act (ECA) was adopted. Requirements of the EU equality directives are transposed to the national law. In 2013, Estonia has not yet signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

1. Discriminatory family code

The minimum **legal age for marriage** in Estonia is 18 for both women and men. The Family Law Act also allows both women and men to marry at 15 with parental consent.³ **Early marriage** does not seem to be an issue in Estonia. According to statistical data in 1970, 16.9 % of newly married women were between 15-19 years old, and in 2000 the share of women married in the same age group (15-19) had declined to 4.9%.⁴ This could be explained by decline in marriages overall and improved family planning and access to contraceptives.⁵

Under the Family Law Act, both parents enjoy equal **parental authority**, which includes equal rights and duties to raise and care for them.⁶ In the case of **divorce** of separation, both parents need to agree with which parent their child shall reside and both parents retain their rights and duties over their children. If no agreement is reached, a court can settle the dispute at the request of a parent.⁷

The Law of Succession Act, grants both spouses as well as children, regardless of their gender with equal **inheritance** rights.⁸ The Law of Succession Act has been modernised and amended many times during the last decades. The amendment regarding acceptance of the estate was one of important changes. Together with the relatives of a bequeather, the bequeather's surviving spouse succeeds in intestacy

¹ Constitution of the Republic of Estonia (1992), Chapter 2 on Fundamental Rights, Freedoms and Duties, Article 12

² CEDAW (2007)

³ Family Law Act, RT (State Gazette) I 2009, 60, 395

⁴ UN 2012 World Marriage Data

⁵ Statistics Estonia, www.stat.ee, (accessed 28 March 2014).

⁶ Family Law Act, RT (State Gazette) I 2009, 60, 395

⁷ Family Law Act, RT (State Gazette) I 2009, 60, 395

⁸ Law of Succession Act, RT (State Gazette) I 2008, 7, 52, Articles 13(1) and 16-17

with first order successors, equally with the share of a child of the bequeather but not to less than one-quarter of the estate or with second order successors, to one-half of the estate.⁹

More

Both women and men enjoy the same **right to initiate divorce**. Divorce is granted by a vital statistics office or a court, upon agreement of the spouses on the basis of a joint written petition.¹⁰ At the request of the spouses, a court can settle disputes over a child or concerning support or division of joint property.¹¹ The divorced spouse is required to maintain a spouse in need of assistance and who is incapacitated for work, and to maintain a spouse during pregnancy and child care until the child reaches 3 years of age.¹²

Time Use Surveys have shown that women deal with household care on a daily basis much more than men. In Estonia, women, a predominant share of who are employed, carry a redoubled burden in household works.¹³

2. Restricted physical integrity

The Estonian law provides no specific definition of violence against women or domestic violence. Since 1 September 2002, when the new Penal Code entered into force, acts of violence can be prosecuted as offences against the person: article 118 of the Penal code stipulates that causing serious damage to health is punishable by 4 to 12 years' imprisonment.¹⁴ The 2010-2014 Development Plan for reducing violence defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹⁵

There is no specific law for **domestic violence** in Estonia. It is addressed in the Penal Code, which criminalizes acts of violence through Articles 120-122 including threat, physical abuse, and torture. They are punishable by a maximum sentence of one, three and five years, respectively.¹⁶ Articles 123-124 tackle offences endangering life and health, Articles 141-149 explore offences against sexual self-determination, damaging an embryo or foetus is prohibited by Article 129.

In terms of measures to protect women from domestic violence, the first shelter for women victims of violence in Estonia was opened in November 2002. Women are provided with temporary shelter, counselling, medical assistance and information about services provided by various agencies. At the end

⁹ Law of Succession Act, RT (State Gazette) I 2008, 7, 52, <https://www.riigiteataja.ee/en/eli/507112013002/consolide>, accessed 27 March 2014.

¹⁰ Family Law Act, RT (State Gazette) I 2009, 60, 395. Article 64

¹¹ Family Law Act, RT (State Gazette) I 2009, 60, 395, Article 65

¹² Family Law Act, RT (State Gazette) I 2009, 60, 395, Article 72

¹³ Statistics Estonia (2011), Mehe kodu on maailm, naise maailm on kodu? Man's Home is the World, Woman's World is her Home? Tallinn.

¹⁴ Penal Code, RT I 2001, 61, 364

¹⁵ The UN Secretary-General's database on violence against women (2010), Development Plan for Reducing Violence for 2010-2014

¹⁶ Penal Code, RT (State Gazette) I 2001, 61, 364. Amended Penal Code in English available at <https://www.riigiteataja.ee/en/eli/527022014002/consolide>, accessed 27 March 2014.

of 2003 the first support group for women suffering violence was opened in Tallinn, following the initiative of the non-governmental organisation Centre for Estonian Social Programmes, and in 2004 women's support groups were opened in ten cities. The Estonian Women's Shelters Union was established in 2006; it has a coordination function.¹⁷ In 2005, support groups for violent men were also opened in Tallinn.¹⁸

In 2008, a national cooperation network against domestic violence consisting of representatives from Ministries and non-governmental organizations was established.¹⁹ In addition, in the same year, a country-wide hotline for women victims of violence was opened.²⁰ The helpline provides support to women survivors of all forms of violence against women, but it does not run 24/7 and is not free of charge.²¹

Reducing family violence was also included as a target in the development plan for 2004-2007, which was approved by the Ministry of Justice on 5 March 2004 and provides for the fight against crime as one of the target areas. As a result, in 2004 special prosecutors were assigned to dealing with cases of family violence and received training.²²

The government launched a Development Plan for Reducing Violence for the period 2010-2014, where domestic violence is defined as any form of physical violence between family members (also former family members) or between a family member and a close relative.²³ The Development Plan includes measures of prevention by challenging social norms and attitudes to violence; reducing possibilities for the occurrence of situations facilitating violence; improving victims' access to services; and capacity-building of the criminal justice system.²⁴

Positive improvements linked to the above-mentioned plan include the following: victims could obtain help through a network of shelters for women victims of gender-based violence; hotlines for domestic violence and child abuse; and the government conducted a radio campaign to raise awareness about the issue in 2012.²⁵

The law criminalizes **rape**, including spousal rape.²⁶ The penalty for both is imprisonment for up to 15 years. In 2012, 143 cases of rape or attempted rape were reported by the police and courts convicted 29 individuals of rape, sentencing them all to prison with terms ranging from 11 months to 13 years. Police

¹⁷ More information: www.naisteliin.ee

¹⁸ CEDAW (2007) Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women. Fourth Periodic Report of States Parties: Estonia.

¹⁹ The UN Secretary-General's database on violence against women (2008), national cooperation network against domestic violence

²⁰ The UN Secretary-General's database on violence against women (2008), country-wide hotline for women victims of violence

²¹ Women Against Violence Europe (WAVE) (2012).

²² CEDAW (2007)

²³ The UN Secretary-General's database on violence against women (2010), Development Plan for Reducing Violence for 2010-2014

²⁴ The UN Secretary-General's database on violence against women (2010), Development Plan for Reducing Violence for 2010-2014

²⁵ US Department of State (2013)

²⁶ Penal Code, RT (State Gazette) I 2001, 61, 364.

reported that the number of rape cases was on the rise, with 36% more rape cases than in 2011.²⁷ In 2013 there were 135 rape cases reported.²⁸ On 23 December 2013 amendments to the Penal Code entered into force, which have broadened a meaning of offences against sexual self-determination. Transposition of requirements of the Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography were made.

According to the European Union Agency for Fundamental Rights, one third of Estonian women experienced physical and/or sexual violence in their lifetime and 5% in the last 12 months.²⁹ In 2014, 20% of women had suffered from domestic violence in their lifetime.³⁰ Data from the Eurobarometer suggest that 13% of Estonians believe that violence against women is very common in the country, while 54% say it is fairly common.³¹

National criminal statistics on domestic violence or national criminal justice statistics on domestic violence are not available in Estonia. Also, data on medical interventions or intimate partner violence is not collected in Estonia's healthcare system.³² In 2012, the police registered 2,231 domestic violence cases, which represents an increase of 15% over 2011.³³ In the 2010 Eurobarometer survey on domestic violence, only 27% of respondents in Estonia were aware that their country had domestic violence legislation.³⁴

The 2004 Gender Equality Act prohibits **sexual harassment**, defining it as acts related to subordination or dependent relationships. In 2009 the law was amended and person's dignity became to central place. Gender-based harassment occurs where unwanted conduct or activity related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating a disturbing, intimidating, hostile, degrading, humiliating or offensive environment.³⁵ Reports from 2012 suggest that sexual harassment remains an issue in the workplace.³⁶ Such complaints may be resolved in court, before Chancellor of Justice, by the Labour Dispute Committee or by the Gender Equality and Equal Treatment Commissioner.³⁷ The Gender Equality Act establishes the duty of the employer to ensure that employees do not become victims of sexual harassment and if they are, the employer is required to take the necessary measures to ensure elimination of harassment.³⁸ Article 13 of the Gender Equality Act

²⁷ US Department of State (2013).

²⁸ Guidelines for Applicants Responding to the Small grant scheme Call for Proposals under the Norwegian Financial Mechanism 2009-2014 "Domestic and Gender-Based Violence", p. 3

²⁹ European Union Agency for Fundamental Rights (2014)

³⁰ European Union Agency for Fundamental Rights (2014)

³¹ Special Eurobarometer 344 (2010)

³² Women Against Violence Europe (WAVE) (2012).

³³ US Department of State (2013)

³⁴ European Commission (2010), p. 91.

³⁵ Gender Equality Act (GEA), RT (State Gazette) I 2004, 27, 181. Accessible in English: <https://www.riigiteataja.ee/en/eli/530102013038/consolide>, (accessed 27 March 2014).

³⁶ US Department of State (2013)

³⁷ Gender Equality Act (GEA), RT (State Gazette) I 2004, 27, 181. Accessible in English: <https://www.riigiteataja.ee/en/eli/530102013038/consolide>.

³⁸ CEDAW (2007)

stipulates that an injured party may demand compensation for damage and termination of the harmful activity, for example relating to discrimination in the workplace. The victim may also demand an amount of money to be paid.³⁹

More

Estonia does not have a specific law against **human trafficking**. However, amendments of the Penal Code tackling human trafficking were passed on 21 March 2012 (see articles 133).⁴⁰ Law-enforcing measures regarding punishment in cases of human trafficking entered into force in April 2012. For example, human trafficking has now become punishable by a maximum of 15 years' imprisonment and assistance in human trafficking punishable by a maximum of 10 years' imprisonment. The criminalisation of sexual exploitation was an important step towards better legal protection of victims of forced prostitution and forced labour. More attention has also been paid to offences against minors (e.g. human trafficking, engagement in prostitution or working under unusual conditions). This amendment process was widely inclusive and incorporated NGOs⁴¹ (Eluliin, the Estonian Women's Associations Round Table, the Estonian Women's Shelters Union, the Association of Women Lawyers), representatives of different Ministries, the Prosecutor's Office and the police.

The main form of trafficking in Estonia is pimping, which is punishable in the Penal Code by a fine or punishment of up to 5 years' imprisonment. It is believed that trafficking in women in Estonia is connected with violence, poverty, unemployment, spreading of HIV/AIDS and sexually transmitted diseases, public health, drug abuse, criminality as well as other factors. Most of prostitution is centred in Tallinn although it can also be found in smaller cities in Estonia.⁴²

In 2012, there were continued reports of trafficking, primarily of women for sexual exploitation, as well as men and women for forced labour elsewhere in the EU.⁴³ In 2012-2015 the Ministry of Social Affairs is co-ordinating an implementation of the programme concerning violence against women funded from the Norwegian Financial Mechanism 2009-2014 period. The aim of the programme is to prevent and tackle gender-based violence by creating bases for more systematic structures to reduce gender-based violence, and support victims of trafficking. In 2002, Estonia ratified the UN Convention against Transnational Organised Crime and in 2004 it ratified the additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, to the UN Convention against Transnational Organised Crime. Finally, in 2004 Estonia ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000), which for the first time defines notions such as the "sale of children", "child prostitution" and "child pornography".⁴⁴

³⁹ Gender Equality Act (GEA), RT (State Gazette) I 2004, 27, 181.

⁴⁰ Penal Code, RT (State Gazette) I 2001, 61, 364. Amended Penal Code in English available at <https://www.riigiteataja.ee/en/eli/527022014002/consolide>.

⁴¹ Human Trafficking (2012).

⁴² CEDAW (2007).

⁴³ US Department of State (2013); CEDAW (2013).

⁴⁴ CEDAW (2007).

Abortion is legal on demand in Estonia.⁴⁵

3. Son bias

The male/female **sex ratio** at birth in 2013 was 1.06 and for the working age population (15-64) was 0.91.⁴⁶ No evidence was found to suggest that **missing women** is relevant in Estonia.

More

Gross enrolment ratios at both the primary and secondary levels are approximately equal. According to a 2014 report by UNICEF, gross primary school enrolment ratios (females as a % of males) were 99% at the primary level and 100% at the secondary level.⁴⁷

4. Restricted resources and assets

Women and men enjoy equal **rights to access land**. The Land Reform Act does not differentiate on the basis of gender for the participation in the land restitution or compensation programme (Article 5) and in the land privatisation programme (Article 21).⁴⁸ However, according to the FAO, there are reports that men are the main beneficiaries of land reform programmes and hold most of the land.⁴⁹

The Estonian Rural Development Plan for the period of 2007–2013 aimed to facilitate women's access to agricultural credit and loans, appropriate technology and treat women and men equally when it comes to land and agrarian reform. As a result, women make up 24% of the recipients of subsidies for starting an agricultural business and in gardening, 47% of women are beneficiaries. Women are also well represented among those who want to start a business such as sheep and goat breeding (35% of beneficiaries); breeding and beekeeping of poultry and swine (33%) and cattle breeding (32%).⁵⁰ There is no information on discrimination against women in respect to access to and ownership of land.

Women, irrespective of their marital status, have the same **property rights** as men: property acquired by spouses during marriage is the joint property of the spouses,⁵¹ while property acquired before marriage (or during marriage as a gift or by succession, or property acquired by the spouse after termination of conjugal relations) constitutes the husband or wife's ownership.⁵²

Women and men enjoy equal **rights to financial services** in Estonia. In Estonia in 2012, 96.29% of men and 97.26% of women aged 15 years or older hold bank accounts at a formal financial institution.⁵³

5. Restricted civil liberties

⁴⁵ Women on Waves (n.d.), <http://www.womenonwaves.org/en/page/4265/estonia>

⁴⁶ CIA. <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 28/03/2014)

⁴⁷ UNICEF (2014), p.73

⁴⁸ Land Reform Act, RT (State Gazette) 1991, 34, 426; Republic of Estonia Principles of Ownership Reform Act, RT (State Gazette) 1991, 21, 257

⁴⁹ FAO (2002), pp.71-72

⁵⁰ CEDAW (2013)

⁵¹ Family Law Act, RT (State Gazette) I 2009, 60, 395, Part 1 on Marriage, Chapter 4 on Proprietary Rights of Spouses, Articles 25-26, 28-36.

⁵² Family Law Act (1994), Part 1 on Marriage, Chapter 3 on Proprietary Rights of Spouses, Division 3 on Joint and Separate Property, Article 27

⁵³ The World Bank, (2011), *Global Financial Inclusion Index*

Article 48 of the Estonian Constitution guarantees the right to assembly and form non-profit associations. Women in Estonia benefit from the same rights as men in terms of **access to public space**: e.g. applying for a passport or an ID card;⁵⁴ choosing their residence; travelling outside home or outside the country; or pursuing a trade or profession.⁵⁵ According to the Estonian Constitution, every child of whose at least one parent is an Estonian citizen has the right to Estonian citizenship by birth.⁵⁶ The Law on Citizenship also stipulates that women, irrespective of their marital status, can confer citizenship to their children in the same way as men.⁵⁷

In 2014, there are 21 women in the 101-seat Parliament (21%); the deputy speaker of the Parliament is woman; and there are five female ministers in the 14-member cabinet.⁵⁸ There is no **quota** system in Estonia to increase the proportion of women in the Parliament and local government councils. However, in accordance with the Gender Equality Act (GEA) and as much as possible, both sexes have to be represented in committees, councils and other bodies formed by state and local government agencies. It is the Gender Equality and Equal Treatment Commissioner who has the duty to monitor the compliance with the norms established in the GEA and Equal Treatment Act.⁵⁹ As of 2013, women represented 7.8% of the board members of the largest publicly listed companies in Estonia, which is below the EU average of 15.8%. There are no women board chairs or CEOs.⁶⁰

More

In Estonia, the **media** contributes to reinforcing gender stereotypes as well as shaping new attitudes. Despite a large number of women journalists in Estonia, few hold executive positions. In 2002 a survey of women on television was carried out, revealing that women could only talk 20% of the television time, as their statements were shorter than men's; in addition, they were generally given the opportunity to speak mostly as ordinary citizens, rather than as experts or opinion leaders. Estonia took part in an international project financed by the EU gender equality framework programme on "The Role of Media in (Re)distribution of Power": the project includes exploring the role of female politicians in society and in the media, and also seminars for journalists and politicians are organised. Although Estonia needs more educational programmes and awareness-raising campaigns to change traditional gender stereotypes in the family, at work and in politics, it has acknowledged the problem.⁶¹

In 2010, a media campaign was carried out by the Ministry of Social Affairs entitled "Promotion of gender equality in 2008-2010". The campaign aimed at decreasing gender stereotypes, including stereotyped attitudes against men and women in the workplace.⁶²

⁵⁴ Identity Documents Act, RT (State Gazette) I 1999, 25, 365, Articles 3 and 4

⁵⁵ Constitution of the Republic of Estonia (1992), Articles 34, 35 and 29

⁵⁶ Constitution of the Republic of Estonia (1992), Chapter 2 "Fundamental Rights, Freedoms and Duties", Article 8

⁵⁷ Citizenship Act (1995), Article 5

⁵⁸ Homepages of the Parliament (www.riigikogu.ee) and the Government (www.valitsus.ee), accessed 27 March 2014.

⁵⁹ CEDAW (2007).

⁶⁰ EC (2013) National Factsheet: gender balance in boards, http://ec.europa.eu/justice/gender-equality/files/womenonboards/womenonboards-factsheet-ee_en.pdf

⁶¹ CEDAW (2007).

⁶² CEDAW (2013).

In 2013 the Ministry of Social Affairs ran another media campaign with the aim to reduce the role of gender stereotypes on decisions made mainly in working life. Also, the Ministry of Social Affairs in Estonia launched a campaign on combating gender stereotypes “Does it have to be like this?” and as a part of the campaign, seven videos were produced.⁶³

Measures have been adopted in Estonia to reduce indirect discrimination against women in the **workplace**. The Gender Equality Act requires employers to actively promote gender equality and in particular to: employ persons of both sexes to fill vacant positions; ensure that the number of men and women hired to different positions is as equal as possible and ensure equal treatment for them in promotion; and create working conditions which are suitable for both women and men and support the reconciliation of work and family life, taking into account the needs of employees.⁶⁴ Article 3 of the Employment Contracts Act (ECA) stipulates that an employer shall ensure the protection of employees against discrimination, follow the principle of equal treatment and promote equality in accordance with the Equal Treatment Act and Gender Equality Act. In 2012-2014 there continued to be female and male-dominated professions and women’s average earnings were 30% lower than those of men for the same work.⁶⁵

There are several measures protecting maternity and parenting in Estonia. For example, the Employment Contracts Act (ECA) stipulates that an employer cannot terminate the employment contract of a pregnant woman or a person raising a child under three years old, except for reasons not linked with maternity (e.g. liquidation of a company, unsatisfactory work results during a probationary period, etc.) – if the employer decides to terminate such person’s contract, it can only be done with the consent of the Labour Inspectorate. Article 18(1) of the ECA stipulates that a pregnant employee and an employee who has the right to pregnancy and maternity leave have the right to demand that the employer temporarily provide them with work corresponding to their state of health if the employee’s state of health does not allow for the performance of the duties prescribed in the employment contract on the agreed conditions. Also the Civil Service Act (CSA) states that pregnant women are entitled, based on a certificate for sick leave prepared by a doctor, to temporary easement of her conditions of service or to a temporary transfer to another position (except a position to be filled by way of competition). The new CSA which entered into force in April 2013, sets restrictions for demanding on-call time, overtime work, night work and work done on public holiday from women during pregnancy. As for the period following the birth of the child, the Occupational Health and Safety Act, requires the employer to create suitable working and rest conditions for pregnant women and women who are breastfeeding.⁶⁶

The Employment Contracts Act (ECA) (Article 59 of the ECA) guarantees women their right to pregnancy and **maternity leave** of 140 calendar days, or 154 calendar days in the case of multiple births or a delivery with complications. Women are entitled to pregnancy and maternity leave 70 calendar days

⁶³ Videos, www.stereotüüp.ee

⁶⁴ Gender Equality Act, RT (State Gazette) I 2004, 27, 181; Equal Treatment Act (ETA), RT (State Gazette) I 2008, 56, 315

⁶⁵ US Department of State (2013),; University of Tartu (2013); Anspal, S. and Rõõm, T. (2011).

⁶⁶ Employment Contracts Act, RT (State Gazette) I 2009, 5, 35; Gender Equality Act; Civil Service Act, RT (State Gazette) I, 06.07.2012, 1. CEDAW (2013).

prior to the expected date of birth determined by the doctor and are paid a compensation for temporary incapacity for work in the amount of 100% of average income per one calendar day. The Article 60 of the ECA also enables paternity leave: a father has the right to be granted additional paid parental leave of ten calendar days during the pregnancy leave or maternity leave of the mother or within two months after the birth of the child.⁶⁷ Estonia grants both mothers or fathers with the right to child care leave until his or her child reaches the age of three years.

⁶⁷ Employment Contracts Act, RT (State Gazette) I 2009, 5, 35; CEDAW (2013).

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