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NEWS REPORT

Country: Estonia
Title: Memorandum to the Cabinet on victim protection regarding intimate partner violence
Date: 6 November 2018
Expert: Anu Laas
Context
Issue at stake: Proposals for legal amendments
Ground of discrimination: Sex
Source: Miscellaneous
Field: Gender based violence
Applicable law: Law Enforcement Act

Content

Policy and legal development: Estonia has ratified the Istanbul Convention and has duties under the Directive 2012/29/EU of the European Parliament and of the Council (EU Victim's Directive). Victim support service is coordinated by the Victim Support Department of the Social Insurance Board. In 2015, preparations to find a case management and risk assessment method and tools for Estonia started and the MARAC model (A Multi Agency Risk Assessment Conference) was chosen. This case management and risk assessment model is based on networking, conferencing and mutual understanding. It involves police officers, victim support specialists, specialists from local authorities (child protection officers or/and social workers), victim's support persons, representatives from a shelter, prosecutors, representatives from an employment or career development agency, health care professionals, psychologists or/and psychotherapists in regional monthly meetings. Victims could participate. In the framework of MARAC, the shortcomings of the existing cooperation and the existing legal gaps were identified. In Estonia, most entry points rely on victims' self-identification. The assessment of their needs is based on the personal knowledge and sensitivity of the particular actors working with victims. There are no guidelines in place in the police to assess victims' needs, but steps are taken to elaborate guidelines for the police regarding risk assessment and management of intimate partner violence cases.

The Pärnu Pilot Project was carried out in December 2017 - 31 March 2018. The purpose of the pilot project was to provide the best and most effective protection to the victim, to end violence and to find ways to make the abuser to leave the house for 48 hours. The local government reserved vacant accommodation in the municipal housing stock for this purpose. A victim can feel safe for 48 hours and dedicate some time to decision-making. Support services to the victim are also available.

According to Article 44(5) of the Law Enforcement Act, a police officer or, in the cases provided by law, an official of another law enforcement agency, may apply a prohibition on stay for up to 12 hours. A prohibition on stay may only be applied over 12 hours with the authorisation of a prefect or the head of any other relevant law enforcement agency.

The pilot project showed shortcomings concerning decisions on restraining orders and pointed out that victim's consent should be not required and that this requirement should be removed from the law. Article 38(1)(10) of the Code of Criminal Procedure in fact stipulates that a victim has the right to give consent to the application of a temporary restraining order and to request the application of a restraining order.

Key points of analysis: A memorandum was submitted to the Cabinet meeting on intimate partner violence (IPV) victim protection in September 2018, recommendations and proposals were made to the Cabinet, a vision about the future activities and tasks of different agencies regarding IPV was shared, and legal amendments were made. Amendments to the Code of Criminal Procedure and other legal acts were proposed for the coming years. The Memorandum was based on the results of the Pärnu pilot project.

Internet link source: Minister of Interior (2018), Memorandum valitsuskabineti nõupidamisele: Lähisuhtevägivalla all kannatanute kaitse Pärnu projekti tulemused (*Memorandum to the Cabinet meeting on IPV victim protection: Results of the Pärnu Project*), 13 September 2018. The Memorandum has annex with IPV prevalence statistics. Available in Estonian at: <https://eelnoud.valitsus.ee/main/mount/docList/93051926-ff64-47b2-bde0-141c0c0dd88a>.

Code of Criminal Procedure, <https://www.riigiteataja.ee/en/eli/506062018001/consolide>;

Law Enforcement Act, <https://www.riigiteataja.ee/en/eli/529062018002/consolide>.