



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Estonia
<b>Title:</b>	Police investigation on sexual harassment cases
<b>Date:</b>	6 November 2018
<b>Expert:</b>	Anu Laas
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Police charged the harasser EUR 96
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	National legislation
<b>Field:</b>	Other
<b>Applicable law:</b>	Article 153.1 of the Penal Code

### **Content**

**Case:** On 6 July 2017, Article 153.1 of the Penal Code entered into force. Sexual harassment is defined in the Penal Code as an intentional physical act of sexual nature against the will of another person committed against him or her with degrading objectives. The act is considered a misdemeanour. Extra-judicial proceedings in these cases should be conducted by the Police and Border Guard Board. Sexual harassment is punishable by a fine of up to 300 fine units (EUR 1 200) or by detention. For a misdemeanour, a court may impose detention for a term of up to thirty days and to a person who committed a misdemeanour for a term of up to ten days. Sexual harassment is classified as a misdemeanour since July 2017.

In May 2018, several women reported to TV journalists that they experienced unwanted physical contact of sexual nature by a healer and astrologist named Igor Mang. Some women were interviewed on TV about the unwanted physical contact they experienced by Mang during consultations. After the TV weekly journal called "Pealtnägija" ("Eyewitness"), more accusations were reported. Only one complaint was filed with the police. Police charged the perpetrator EUR 96.

Media attention to the issue increased and further debates were held. On 18 July 2018, following extra-judicial proceedings conducted by the Police and Border Guard Board, the decision on the Mang case was made public through TV news and an interview with police officers was conducted. Discussions focused on the police decision to only sentence the offender to a EUR 96 fine. The explanation provided by the police was that there was no doubt that the offender committed an intentional physical act of sexual nature which was against other persons' will and humiliating, but that the purpose of the fine was above all to prevent subsequent offenses.

Several persons subsequently contacted journalists but did not file a complaint with the police. This case shows that although sexual harassment is prohibited, survivors' rights are

protected, and offenders can be punished, as a matter of fact people are not yet ready to defend their rights. The case also shows that sanctions are not effectively applied and thus unlikely to foster changes in attitudes. The positive dimension of this case is its awareness-raising effect through the triggering of a public debate.

**Key points of analysis:** On 20 September 2017, the Estonian Parliament adopted a law on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The minimum requirements of the Istanbul Convention were taken into account. Article 40 of IC stipulates that sexual harassment is subject to criminal or other legal sanction. Estonian legislators opted for the legal sanction solution and sexual harassment is now prohibited by the Penal Code.

Information about misdemeanours is not publicly available. Due to the high public interest in this issue, a TV interview was conducted with the Police Department Chief Valter Pärn on 18 July 2018. Pärn said that a decision was made in eleven cases during the year. Penalties have been very different: three cases have led to detention of the offender; eight cases led to fines ranging from EUR 20 to EUR 300.

**Internet link source:**

Penal Code, RT I, 29.06.2018, 66,

<https://www.riigiteataja.ee/en/eli/509072018004/consolide>;

<https://www.equalitylaw.eu/downloads/4219-estonia-amendments-to-the-penal-code-pdf-134-kb>;

Kärmas, M., Gavronski, A. (2018), "Pealtnägija": mitu naist süüdistavad Igor Mangi seksuaalses ahistamises ("Pealtnägija": Several women accuse Igor Mang in sexual harassment), 9 May 2018, <https://www.err.ee/830003/pealtnagija-mitu-naist-suudistavad-igor-mangi-seksuaalses-ahistamises>;

Püss, F. (2018), Politsei pole ahistamiskandaali sattunud Igor Mangi suhtes uusi avaldusi saanud (*Police has got no additional complaints against Igor Mang regarding sexual harassment case*), 14 May 2018, <http://www.delfi.ee/news/paevauudised/eesti/politsei-pole-ahistamiskandaali-sattunud-igor-mangi-suhtes-uusi-avaldusi-saanud?id=82091785>;

ERR (2018), Politsei Mangi juhtumist: trahvi eesmärk on ennekõike ära hoida järgnevad süüteod (Police about the Mang case: a fine aim is to above all to prevent subsequent offenses), <https://www.err.ee/847528/politsei-mangi-juhtumist-trahvi-eesmark-on-ennekoike-ara-hoida-jargnevad-suuteod>.