



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

FLASH REPORT

Country:	Estonia
Title:	Sexual harassment case
Date:	28 April 2020
Expert:	Anu Laas
<u>Context</u>	
Issue at stake:	Sexual harassment and assault
Grounds of discrimination:	Gender
Field of application:	Violence against women
Source:	National court decision
Applicable law:	Penal Code

Content

Case development: *Hallik case, accusation of sexual harassment (criminal proceedings)*
Criminal proceedings started in October 2018. Hallik was accused of sexual harassment and of coercion into sexual activity or other sexual acts, exploiting the victim's dependence on the accused.

Decision of the court: *Hallik case*

On 18 March 2020, Hallik was convicted by the Tartu County Court and sentenced to suspended imprisonment as well as to paying non-pecuniary damages to the victim. The case is ongoing, so the decision is not yet in force.

Key points of analysis: On 29 August 2018, the (male) director (Hallik) of the library of the University of Tartu was dismissed due to 'inadequate behaviour'. The investigation of the sexual harassment complaints was carried out by the Rector's Office. On 3 October 2018, the case against Mr. Hallik was filed by the Prosecutor's Office. The prosecution brought charges against Hallik in two episodes under a section of the Penal Code dealing with coercion into sexual activity or other sexual acts, and exploiting the victim's dependence on the accused. The victim of the accused was Hallik's former colleague from Tartu University Library. The trial was held behind closed doors to protect the victim. Hallik has given several interviews in the media. In August to December 2018, he repeatedly claimed that all accusations of sexual harassment and inappropriate sexual conduct were pure lies, but during criminal investigation he admitted to one incident during a business trip, but stressed that the sexual relations concerned were consensual. The prosecutor at the South District Prosecutor's Office has told journalists that the accused made use of his position of power during two episodes to compel the victim to engage in sexual intercourse or other acts of a sexual nature.¹ Both parties were able to present evidence to the court

¹ Sexual intercourse or commission of another act of sexual nature with a person against his or her will by taking advantage of the dependency of the victim on the offender but without using force or outside a situation where the person was not capable of initiating resistance is punishable by up to three years' imprisonment (Article 143(1) of the Penal Code). Article 153.1(1) of the Penal Code provides that sexual harassment is an intentional physical act of sexual nature against the will of another person committed

to establish the truth, and the Tartu County Court (Court of First Instance) made its decision on the basis of that evidence. On 18 March 2020, Hallik was convicted by the Tartu County Court and sentenced to 1.5 years' suspended imprisonment. The court also upheld the civil claim and ordered Hallik to pay EUR 5 000 non-pecuniary damages to the victim. Hallik was ordered to pay the sum of EUR 22 632 to the victim's legal representative.

In response to the court decision, the victim's lawyer stated that:

'It is understandable that Hallik does not like the conviction and wants to appeal it. At the same time, it is regrettable that comments made to the public are not limited to expressing dissatisfaction with the judgment, but with an attempt to cast a bad light on the victim. The victim is not in a position to refute the substance of the defamatory allegations through the media and to assert her honesty, as this is a closed procedure, the boundaries of comments are exceeded.'

This analysis is based to large extent on media coverage. Interviews with former female colleagues from the university library were published. Discretion and delicacy have been very important keywords in this process. The hearings of this court case were declared closed to protect the privacy of the victim and Hallik's family. There are limited comments by the court and Prosecutor's Office. Kairi Kaldoja, Chief Prosecutor of the Southern District Prosecutor's Office gave her comments to journalists.

Internet link sources:

News.err.ee, 30 August 2018, University of Tartu terminates contract with library director Martin Hallik, <https://news.err.ee/857428/university-of-tartu-terminates-contract-with-library-director-martin-hallik>.

Arula, E. (2020). Maakohus mõistis Martin Halliku seksuaalses ahistamises süüdi (*Martin Hallik was convicted in sexual harassment by the The Tartu County Court*), Tartu.postimees.ee, 18.03.2020, <https://tartu.postimees.ee/6926692/maakohus-moistis-martin-halliku-seksuaalses-ahistamises-suudi>.

against him or her with degrading objectives or consequences is punishable by a fine of up to 300 fine units or by detention.