

# "Developing Directive-compatible practices for the identification, assessment and referral of victims"

ESTONIA

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## Introduction

### Methodological notes

During the fieldwork, the Estonian team has followed the methodological framework agreed by the research project “Developing directive-compatible practices for the identification, assessment and referral of victims” consortia. The recruitment for the interviews started in late September-October 2016. The information letter, the informed consent form and the interview schedule were translated to Estonian. The recruitment of interviewees was mainly done through e-mail correspondence. The interviewee was provided with the information letter and, when required, with the interview questions.

To conduct interviews with police officers from Police and Border Guard Board (*Politsei ja Piirivalveamet, PPA*), the research team was required to submit an official application to the research ethics board at the PPA. The application was submitted in October and the permission was obtained in December 2016. The permission contained recommendation with the contact details of the relevant police officers to be interviewed. This information was also used for the preparation of the final sample of interviewees. However, to avoid the risk that only the “approved” views will be present among the interviewees, police officers not in the recommended list were interviewed also. The process of applying the research ethics board at the PPA and the decision of the commission took one and half months and increased the duration of the field work. The last interview was conducted on 20 January 2017.

When recruiting, sampling criteria was followed for having balance regarding the entry points and target groups. For Estonia, two target groups, **victims of domestic violence** and **child victims of sexual abuse** were selected for the final analysis.

All interviews were conducted face-to-face. In most cases the interviews took place at the university premises, in some cases the interviewer visited the interviewee in his/her own place of work. The interviews were conducted in the two largest cities of Estonia: Tallinn (the capital) and Tartu. Interviews were conducted in Estonian and in few cases in Russian. Interviews were conducted by the principal researcher Anna Markina and the research assistant Kristina Reinfeldt (graduate student of Law Faculty, University of Tartu). All interviews were voice recorded. Research assistant filled the reporting templates. The authors of the report are Anna Markina and Maarja Vollmer.

The research sample included 14 persons: 3 males (NGO, victim support services, police) and 11 females. The ratio between the interviewed men and women reflects the current situation in Estonia, where mostly female experts are working with the victims. Two respondents were from Tartu, the rest work in Tallinn. Although we tried to recruit more experts from Tartu, there were almost no replies from the experts to our enquires, so we decided to replace them with other experts from the same thematic area, but from Tallinn.

Table 1. **Overview of the sample by organisation**

Organisation	Number of respondents
Police officer	5
Victim Support Service worker	3
Child Protection worker	1
Hospital (nurses)	3

## 1. Legislation on victims' rights

### 1.1 Criminal Procedure

The main law providing definition of victim, victims' rights and role in the criminal procedure, is the Code of Criminal Procedure. The language of criminal proceedings is Estonian. With the consent of the body conducting criminal proceedings, participants in the proceeding and parties to the court proceeding, the criminal proceedings may be conducted in another language if the body, participants and parties are proficient in such language.

Criminal Proceedings are conducted by courts, Prosecutors' Offices and investigative bodies, e.g. the police or defence police.

A suspect or an accused, his or her counsel, victim, civil defendant and the third parties are the participants in a proceeding. The parties to a court proceeding have all the rights of participants in the proceedings provided for in the Code of Criminal Proceedings (*Kriminaalmenetluse seadustik*). (§17 (2))

According to §193 of the Code of Criminal Procedure, if there is a reason and grounds, criminal procedure could be commenced by the Prosecutor's Office. If the procedure is started by the police (investigative body), prosecutor's office shall be informed immediately. The reason for the commencement of criminal proceedings is a report of a criminal offence or other information indicating that a criminal offence has taken place. The grounds for a criminal proceeding are constituted by ascertainment of criminal elements in the reason for the criminal proceeding.

The §195 of the Code of Criminal Procedure states that the report of a criminal offence shall be submitted to an investigative body or a prosecutor's office orally or in writing. If an oral report is submitted directly on site, it shall be recorded in a report and a copy of the report shall be submitted to the person who submitted the report of a criminal offence. A report of a criminal offence communicated by telephone shall be recorded in writing or audio recorded. If the person who submitted the report is a victim, the law obliges the authorities to send the confirmation on the receipt of the report within 20 days. As the body of research reveal and our interviews confirm, the specific target groups selected for the current study (victims of domestic violence or child sexual abuse) often do not report. This is one of the challenges the criminal justice system is facing.

The prosecutor's office or an investigative body may refuse to commence criminal procedure. In this case they shall notify within 10 days the person who reported the offence. The circumstances precluding criminal proceedings are listed in §199 of the Code.

The proceeding could be terminated:

- upon occurrence of circumstances precluding criminal proceedings (§200)
- due to failure to identify person who committed criminal offence (§200<sup>1</sup>)
- In case the unlawful act was committed by a juvenile, materials may be referred to juvenile committee (§201)
- in case of lack of public interest in proceedings and negligible guilt (§202)

- due to lack of proportionality of punishment (§203)
- on the basis of conciliation (§203<sup>1</sup>)
- some other grounds (§204-205<sup>2</sup>)

In 2015, the total number of proceedings sent to court was 16,565 and the number of proceedings terminated was 29,408 (Statistics Estonia 2016). The most popular bases for termination of the procedure are occurrence of circumstances precluding criminal proceedings (15,182 cases), failure to identify a person who committed criminal offence (10,321) and lack of public interest and negligible guilt (2,188).

If a proceeding is terminated, a copy of an order of termination shall be sent, among others, to the victim or the representative of thereof (§206 (2)). A victim may file an appeal with a prosecutor's office against the refusal to commence criminal proceedings. A victim may also file an appeal with the Office of the Prosecutor General against termination of criminal proceedings (§207).

If the proceedings are commenced, the pre-trial procedure starts. The main bodies conducting pre-trial investigation are the Police and Border Guard Board and the Security Police. Prosecutor's office directs pre-trial proceedings and ensures the legality and the efficiency. When pre-trial investigation is finished, prosecutor sends the bill of indictment to the court or terminates the procedure. One of the possibilities for termination of the criminal case is conciliation proceedings. Trial or court procedure is the second phase of the criminal procedure.

## 1.2 Transposition of the Directive 2012/29/EC

The Code of Criminal Procedure was amended in December 2015, ensuring the compliance of the criminal procedure with the Directive 2012/29/EC. The amendments entered into force in two parts: on 1 July 2016 and 1 January 2017. The main legislative changes related to came into force on 15 November 2015 and the changes that required adjustments in the functioning of the work processes came into force on 1 July 2016. With the amendment, the rights of the victims were included in the legislation, clarifying their position in the criminal proceedings. The most recent amendments to the Victim Support Act (*Ohvriabi seadus*), relating among others to the measures available for victims of gender-based crimes and services available for victims, entered into force on 1 January 2017.

The following laws, among others, were changed in the relation to the transposition of the Directive 2012/29/EC: Penal Code (*Karistusseadustik*), Code of Criminal Procedure (*Kriminaalmenetluse seadustik*), State Legal Aid Act (*State Legal Aid Act*), and Victim Support Act (*Ohvriabi seadus*).

To sum up, the main changes resulting from the transposition of the Victim's Directive concerned the definition of a victim, victim's right to interpretation services, assessment of individual protection needs, victim's rights on interviewing, right to be informed, victim assistance to a victim who is a minor. The rights of crime victims in access to justice during the proceeding are regulated by the Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). The Victim Support Act (*Ohvriabi seadus*) generally regulates the services provided to victims of a crime. The Penal Code (*Karistusseadustik*) regulates the statutes of limitations for barring the prosecution and enacts the concrete penalties for the misdemeanours and crimes (including cases of the offender-victim mediation).

According to the §37 of the Code of Criminal Procedure, "A victim is a natural or legal person whose legal rights have been directly violated by a criminal offence aimed at the person or by an unlawful act

*committed by a person not capable of guilt. In the case of an attempt to commit a criminal offence, a person is a victim even if, instead of the legal rights attacked, such legal rights are violated the violation of which is covered by the legal rights attacked. The state or another public authority is a victim only in the case it has a proprietary claim due to violation of its legal rights and the claim can be enforced in criminal proceedings. A natural person is a victim even in the case a criminal offence or an unlawful act committed by a person not capable of guilt caused the death of any person close to him or her and damage was caused to him or her as a result of the death”.*

The definition was changed to fulfil the requirements of the Directive 2012/29/EC, main change is the status of the victim. Prior to 2015, a victim of a crime used to have the same rights as a witness. It is now explicitly stated that a natural person can have status of a victim even if criminal proceeding was not commenced. In case of the death of a person, persons closed to him or her are also considered being a victim. Relatives are, according to the legislation, victim’s spouse or another person living in one household with the victim, but also siblings, close relatives and dependents. The “damage” mentioned in the paragraph means not a monetary loss but suffering caused by the death of the closed person and entitles relatives to be involved in the criminal proceeding independently, whether they are entitled for the monetary compensation or not.<sup>1</sup>

Although the changes in the law give grounds to believe that the rights of victims are guaranteed, the issues related to identification of victims, assessment of their need, and referral system are what shall be changed via training, guidelines, better co-operation etc. The need for changes is realised and stated in the Strategy for Preventing Violence for 2015-2020 (*Vägivalla ennetamise strateegia 2015-2020*)<sup>2</sup>. According to the Strategy, improving the identification of victims and the referral systems is one of the goals for the coming years:

*“In order to make sure that sectoral specialists are able to recognise signs of violence and provide adequate help to the victims, the specialists must be informed and trained. The role of healthcare employees in working with violence victims must be clarified, their skills in identifying and helping a violence victim must be improved and their co-operation with other organisations helping violence victims must be facilitated. This is most relevant for family physicians, paediatricians, gynaecologists, ambulance medics, midwives, family nurses and school nurses. /.../ In-service training for addressing violence-related topics must be ensured for teachers of kindergartens and schools; they must be supported in preparing their study materials. A need for in-service training has been recognised among the social workers and child protection employees of local governments; attention must be paid to specialists working with children with special needs and adults and to providers of services to violence victims. It is considered necessary to provide joint trainings and network trainings in order to ensure a common information space of specialists of various fields working together on violence cases.”*

Due to the recent changes, there are no quantitative nor qualitative data available that would explicitly focus on the identification of victims, assessing the needs of victims or referral mechanisms

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<sup>1</sup> See: RKKKo nr 3-1-1-41-15 p 35

<sup>2</sup> Strategy for Preventing Violence for 2015-2020, available at: [http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy\\_for\\_preventing\\_violence\\_for\\_2015-2020.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf).

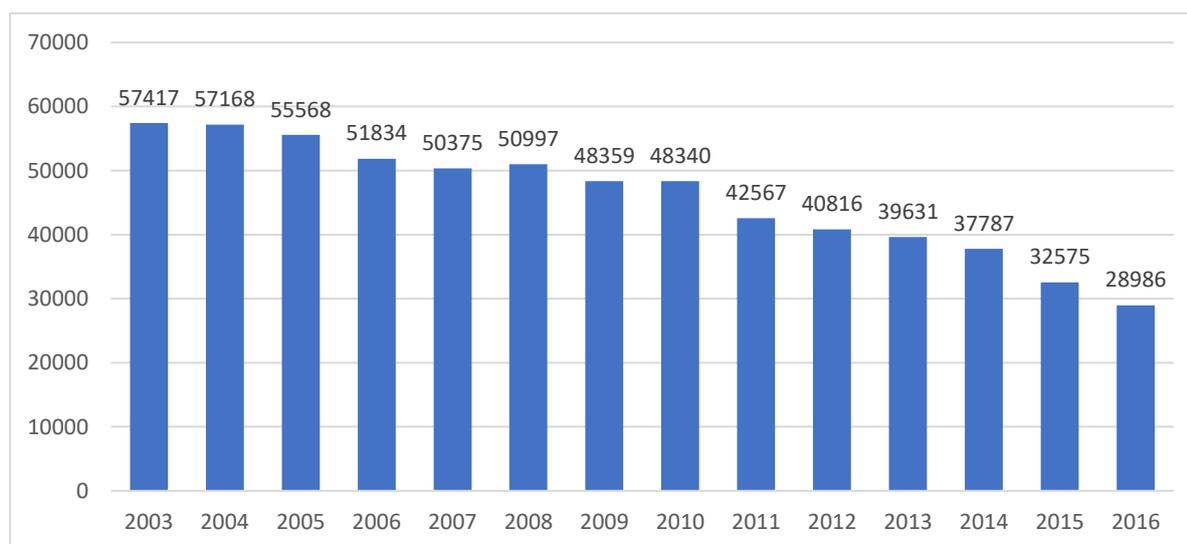
of victims. However, these topics have been very briefly touched upon in some previous studies. In the following part the situation of victims in Estonia will be presented. It will be followed by the data on two groups: child victims and victims of domestic violence.

## 2. Situation of victims in Estonia

### 2.1. Crime situation

In 2016, a total of 28,986 criminal offences were registered in Estonia; when compared to year 2015, the amount of registered crime decreased by 11 per cent. The number of registered crime is decreasing since 2003 (see Figure 1). The most remarkable decrease was for robbery (26%, from 337 in 2015 to 248 in 2016) and for theft (21%, from 11,354 in 2015 to 8,982 in 2016). The decrease in the number of registered offences of physical assault also was significant (15%, from 5,657 in 2015 to 4,823 in 2016). Dramatically increased (by 166%) the number of registered cases of violation of public order (from 432 offences in 2015 to 1147 in 2016). Such increase is probably related to the changes in law but remains outside the interest of the current research.<sup>3</sup>

Figure 1. Registered criminal offences 2003-2016



Source: Ministry of Justice

In 2015, the main share of the crimes were crimes against property (46%), followed by the crimes against person (22%) and traffic related offences (12%). Starting from year 2010, the general trend in changes of the crime structure is the decrease of the share of crimes against property and the increasing share of the crimes against person. Thus, despite the decreasing crime rate more people may need assistance as of crime victimisation.

In Estonian Penal Code (*Karistusseadustik*), the following offences are considered violent offences: crimes against person (except §-d 137–140 ja 148–150), robbery (§200), aggravated violence against

<sup>3</sup> Ministry of Justice. Crime Barometer. Available at: <http://www.kriminaalpoliitika.ee/et/statistika-ja-uuringud/baromeeter>

public order (§ 263), and violence against the representatives of state authority (§ 274). In 2015, 7889 violent offences were registered, the number increased compared to previous years. Violent offences counted for 24% of all offences (20% in year 2014) (see also Figure 2 for number of registered violent offences in 2005-2015). The majority of registered violent crimes (72%) are offences of physical assault.

Figure 2. **Number of registered violent offences**



Source: Ministry of Justice<sup>4</sup>

## 2.2 Victimisation studies in Estonia

In 1993, the first Crime Victim Survey in Estonia was carried out as a part of an international project “The International Crime Victim Survey”. According to this study, on average 7% of men and 3% of women (average total 4,8%) had been victims of an assault in 1992. By 1999, these shares had rose accordingly to 7,3% and 5,5% (average total 6,4%).<sup>5</sup> In 2003, the total average was 3.2%.<sup>6</sup> The study also found that non-Estonians, people living in towns and people with lower income level tended to be at a higher risk of victimisation.<sup>7</sup>

In 2009, when the most recent national Crime Victim Survey was carried out, 7,9% of Estonian inhabitants stated that they have been victimised by the crimes of violence.<sup>8</sup> Compared to the previous Crime Victim Surveys, the highest number of people stated that they had been victimised by

<sup>4</sup> Kuritegevus Eestis 2015, available at:

[http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus\\_eestis\\_2015.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus_eestis_2015.pdf)

<sup>5</sup> Ahven, A.; Tabur, L.; Aromaa, K. (2001) Victims of Crime in Estonia 1993-2000. Ministry of the Interior of Estonia and the National Research Institute of Legal Policy, Finland; p. 7.

<sup>6</sup> Institute of Law of the University of Tartu, Ministry of Justice of Estonia and Ministry of Interior of Estonia (2005) Crime Victim Survey 2004: Main results and findings. Available at: <http://www.digar.ee/arhiiv/et/download/198430>.

<sup>7</sup> Ibid.

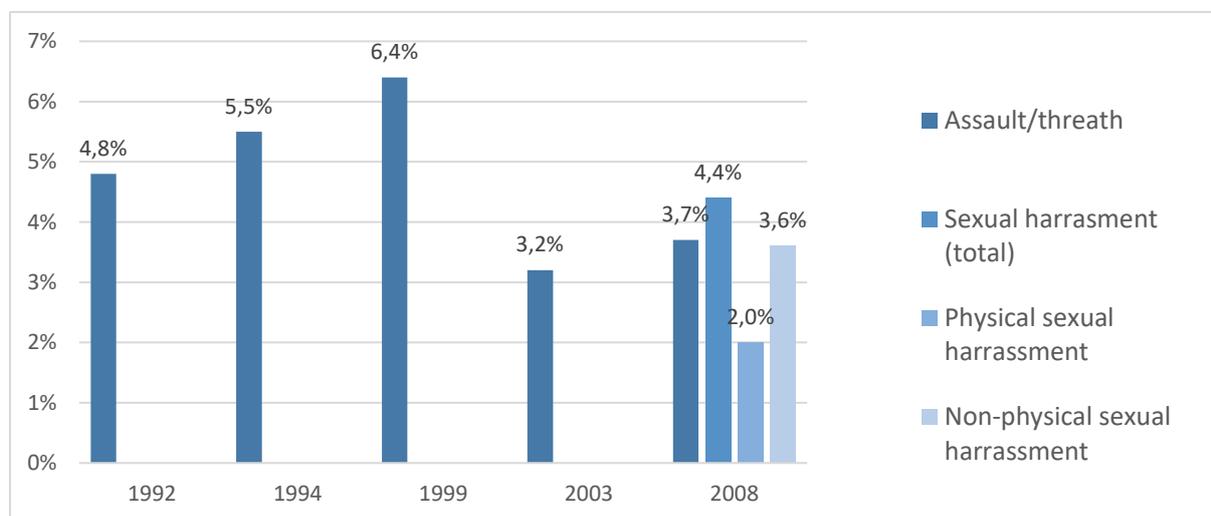
<sup>8</sup> Salla, J.; Surva, L. (2010) Violence and Victims. Crime victim Survey 2009. *Criminal Policy Surveys 14*. Ministry of Justice of Estonia, available at:

[http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/crime\\_victim\\_survey\\_2009.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/crime_victim_survey_2009.pdf), p. 39.

non-physical sexual harassment (3,6%), 2,4% had been assault victims, and 2% had been victims of sexual harassment (see also figure 3).

Throughout the years, the understanding of what being a victim means has changed. People are more aware of their rights and know when they should report an offence. However, even if people are aware that they have been a victim, they often do not report the offence to the relevant authorities. For example, according to the data of the 2009 survey, 77% of the victims admitted that they did not inform the police of their assaults or threats. In general, the victim or some other person informed the police in 17% of cases of a violent incident. Health care professionals were approached in 30% of the cases.<sup>9</sup>

Figure 3. Share of victims of violent crimes (%)



Source: Crime Victim Survey 2009.

Since 2009, the national Crime Victim’s Survey has not been carried out, but the Ministry of Justice and the Police and Border Guard Board have collected annual statistics on victims of both physical and material offences.

According to the year 2015 data, 2% of Estonian population aged 15-74 said they have been attacked in public space, at home or somewhere else so that they have been hurt and 3% of the respondents have experienced the threat of violence during the last year. Only 38% of persons who have been victims of violence or threatened by violence have reported the incident to police.<sup>10</sup> In 2016, 1.8% of people living in Estonia (aged 15-74) have been victims of an assault in 2016. Approximately 40% of the victims reported the incident to the police.<sup>11</sup>

<sup>9</sup> Ibid., p. 46.

<sup>10</sup> Kuritegevus Eestis 2015, available at:

[http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus\\_eestis\\_2015.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus_eestis_2015.pdf), p.33

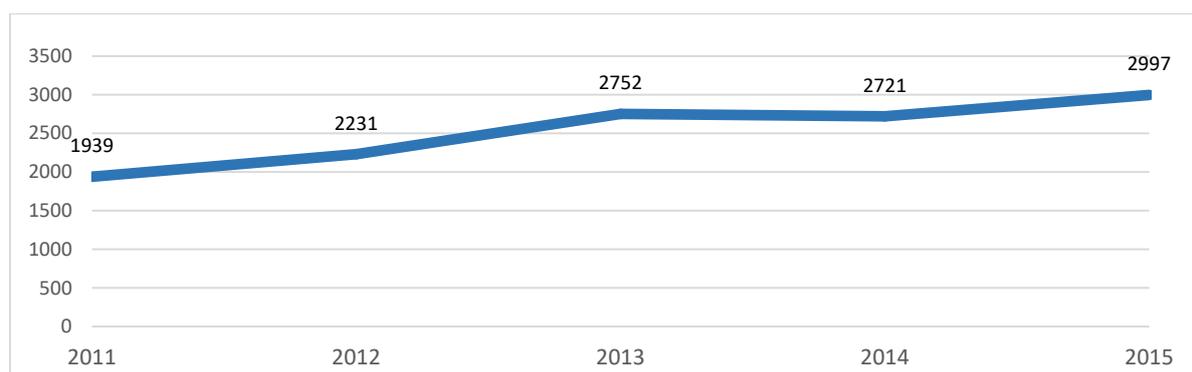
<sup>11</sup> “Crime rate and number of killings decreased in 2016”, press release of Ministry of Justice, 24 January 2017, available at: <http://www.just.ee/et/uudised/2016-aasta-kriminaalstatistika-pohjal-uldine-kuritegevus-ja-tapmiste-arv-vahenenud>.

## 2.3 Victims of domestic violence

The number of registered episodes of domestic violence has been on a rise (see figure 2).<sup>12</sup> Acts of the domestic violence constituted nearly 10% of all crimes, and 38% of all violent crimes in 2015.<sup>13</sup> The majority (85%) of the acts of domestic violence are the acts of physical abuse.<sup>14</sup> According to the Ministry of Justice, there were in total 2758 victims of the domestic violence interviewed in 2015. According to the Police and Border Guard Board, the number of notices they get daily on domestic violence has increased throughout the years. The indicative daily numbers are the following<sup>15</sup>:

- In 2010 – 6 notices on domestic violence in one day
- In 2011 - 19 notices on domestic violence in one day
- In 2012 - 25 notices on domestic violence in one day
- In 2013 - 30 notices on domestic violence in one day
- In 2014 - 34 notices on domestic violence in one day
- In 2015 - 38 notices on domestic violence in one day

Figure 4. Registered acts of domestic violence (2011-2015)<sup>16</sup>



Source: Ministry of Justice, 2016.

In 2015, 68% of domestic violence cases were conflicts between the actual or the former spouses/partners (66%). However, the proportion of cases of a parent's or a stepparent's violence against children is rather high (14%) and not rare are the cases of children's violence against their parents (9%). Majority of the perpetrators of domestic violence are male (88%) and majority of the

<sup>12</sup> Crime in Estonia 2015, Domestic violence, p. 34-37, available at: [http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus\\_eestis\\_2015.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus_eestis_2015.pdf)

<sup>13</sup> Ibid.

<sup>14</sup> Crime in Estonia 2015, Domestic violence, p. 34-37, available at: [http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus\\_eestis\\_2015.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus_eestis_2015.pdf)

<sup>15</sup> Kaasik, J. (2015) Politsei ja lähisuhtevägivald, available at: [http://files.voog.com/0000/0035/2397/files/pome\\_Joosep%20Kaasik%2029042015.pdf](http://files.voog.com/0000/0035/2397/files/pome_Joosep%20Kaasik%2029042015.pdf)

<sup>16</sup> Crime in Estonia 2015, Domestic violence, p. 34-37, available at: [http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus\\_eestis\\_2015.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus_eestis_2015.pdf)

victims (82%) are female. In a nearly quarter of the domestic violence cases a minor was either a witness or a victim of violence.<sup>17</sup>

According to the Women's health study, carried out in 2014, 9% of the women had experienced emotional abuse during the last year. In the same study, 6% of women admitted to have experienced physical abuse and 2% sexual abuse.<sup>18</sup>

Domestic violence has been researched since 2000 in Estonia. In the recent years, several studies have been carried out among the professionals working with victims of domestic violence. For example, in 2015, a study "Domestic violence from the perspective of the police" was carried out among 217 police workers. The police officers were asked how difficult is to evaluate at the scene whether it is a case of domestic violence. According to the police officers, in 14% of the cases it is mostly very difficult, 35% of the cases it is often difficult, and in 42% of the cases it is not too difficult to decide at the scene whether it is 'just' a row or a case of a serious domestic violence.<sup>19</sup> This indicates that police officers would benefit from the more specific guidelines or indicators to recognise victims of domestic violence.

According to the study carried out in 2014 among health specialists, i.e. family doctors<sup>20</sup>, gynaecologists and midwives, the problem of domestic violence was evaluated to be high (see figure 3).<sup>21</sup> In total 100 health specialists participated in the study and nearly all of them (over 90%) have witnessed traumas as a result of domestic violence.<sup>22</sup>

**Figure 5. Health specialists' assessment of the seriousness of the problem of domestic violence<sup>23</sup>**

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<sup>17</sup> Ibid.

<sup>18</sup> Lippus, H. et al (2014) Estonian Women's Health 2014: sexual and reproductive health, health behavior, attitudes and use of healthcare services. Department of Obstetrics and Gynecology, University of Tartu, available at: [https://sisu.ut.ee/sites/default/files/naisteterviseuuring/files/uusestre2014\\_loppraport.pdf](https://sisu.ut.ee/sites/default/files/naisteterviseuuring/files/uusestre2014_loppraport.pdf), p. 79-80.

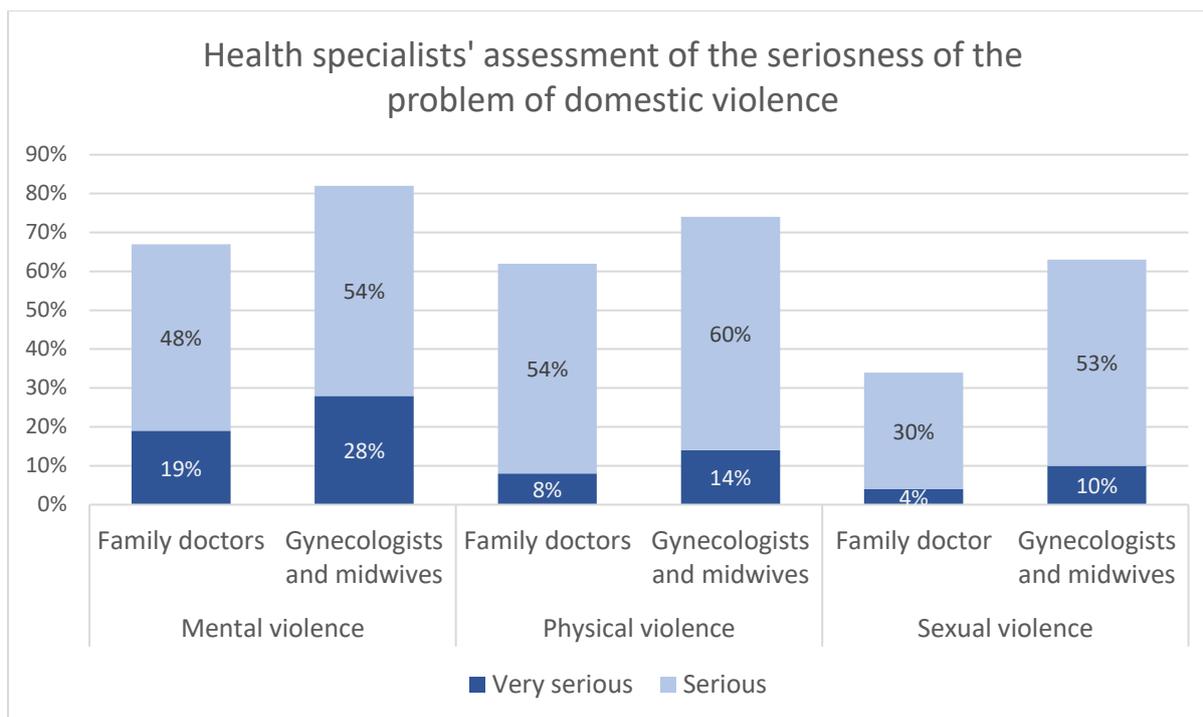
<sup>19</sup> Pettai, I; Proos, I. (2015) Domestic violence from the perspective of the police. Results of the national expert survey.. Eesti Estonian Institute for Open Society Research, Police and Border Guard Board, Estonian Academy of Security Sciences.

<sup>20</sup> I.e. general practitioner

<sup>21</sup> Pettai, I.; Kase, H. (2014) Domestic violence from the perspective of the health specialist. Results from the national expert survey 2003-2014. Estonian Institute for Open Society Research and University of Tartu, p. 19.

<sup>22</sup> Ibid., p. 16.

<sup>23</sup> Ibid., p. 19. The sample of the study was 100, including 71 family doctors, 29 gynecologists and midwives.



Source: Estonian Institute for Open Society Research, 2014.

## 2.4 Victimisation of children

According to the statistics of the Police and Border Guard Board, the number of violent crimes against minors has been increasing since 2010 (see table 1). According to the data of the Ministry of Justice, in 2015, in total **1279** victims who were interviewed were minors, and 79% of them were the victims of a violent crime.<sup>24</sup> According to the international study conducted by Marshall et al. (2015), 8% of children in Estonia admitted to have been a victim of an assault which required medical attention in the previous year, which is nearly two times higher compared to the data obtained from other countries.<sup>25</sup>

Table 2. Number of violent crimes registered by police 2010 – 2015<sup>26</sup>

	2010	2011	2012	2013	2014	2015
Violent crimes, total	<b>4199</b>	<b>4862</b>	<b>5286</b>	<b>5454</b>	<b>5369</b>	<b>6118</b>
... offences against minor under 14 years of age	327	287	323	380	438	461
... against minor under 18 years of age	535	497	561	617	717	812

Source: Source: Police and Border Guard Board

<sup>24</sup> Ministry of Justice (*Justitsministeerium*) (2016), E-mail correspondence, 15 November 2016.

<sup>25</sup> Marshall, I., H., Enzmann, D., Hough, M., Killias, M., Kivivuori, J. & Stekete, M. (2015). Youth Victimization and Reporting to Police. First results from the Third Round of the International Self-Report Delinquency Study (ISR3D3). Available at: [http://www.northeastern.edu/isrd/wp-content/uploads/2016/01/ISR3D3\\_TechRep\\_03.pdf](http://www.northeastern.edu/isrd/wp-content/uploads/2016/01/ISR3D3_TechRep_03.pdf), p. 11. The sample consisted of 3780 students.

<sup>26</sup> Police and Border Guard Board, "Kuritegevuse koondaruanne 2010-2015" (*Synthesis of registered crime 2010-2015*), available at: <https://www.politsei.ee/dotAsset/557531.xlsx>

According to the survey about Estonian adolescents aged 15-19 (2016), nearly half of the respondents (N=2160) had been a victim of a mental abuse and 20% had been a victim of physical violence.<sup>27</sup> Approximately 30% of adolescents aged admitted to have experienced at least one incident of sexual abuse in their lives, and approximately the same number of adolescents have experienced at least one incident of sexual harassment. Adolescents mostly experience violence in intimate relationships. The proportion of those who have experienced sexual abuse is 2.5 times higher among girls compared with boys. Victims of sexual violence are mostly 15-16 years old, but victims of sexual harassment are mostly 12-13 years old. The study also found that mental abuse, physical violence and sexual violence victimization is interconnected.

The violence prevention strategy includes measures and initiatives relevant to combating violence against children. In 2015, the central implementation measures for the prevention of violence against women were related to educating young people. Special educational measures have been developed programmes for schools that would target prevention of violence in families and relationships.<sup>28</sup> One of the activities, for example, was a conference “Raising violence free generation” which was organised in co-operation with the academia, schools, non-governmental sector, and the government agencies.<sup>29</sup> The target group of the conference were the educators and NGOs working with children; it introduced both the theory behind violence as well as the practical tools of prevention and working with the victims.

Another activity, the programme “Open Your Eyes” (*Ava Silmad*) continues targeting young people. One hundred boys from secondary schools were educated in recognising violence against women and on the ways to help the victims.<sup>30</sup> They also had an obligation to carry out similar programmes in their respective schools; the lecturing is compensated by the programme.

The general quality of the services provided for children are expected to improve with the adoption of the latest amendments to the Victim Support Act (which entered into force on 1 January 2017).<sup>31</sup> These amendments extend in particular the support to victims of human trafficking and sexually abused minors. The women’s shelters also include the possibility for providing shelter to women with children.<sup>32</sup>

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<sup>27</sup> Soo, K., Lukk, M., Ainsaar, M., Beilmann, M., Tamm, G., Espenberg, K., Murakas, R., Arak, T., Aksen, M., Vahaste-Pruul, S., Kutsar, D. (2015) Sexual abuse of children and adolescents. University of Tartu, available at: [http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/laste\\_ja\\_noorte\\_seksuaalse\\_v\\_aarkohtlemise\\_leviku\\_uuring\\_2015\\_0.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/laste_ja_noorte_seksuaalse_v_aarkohtlemise_leviku_uuring_2015_0.pdf).

<sup>28</sup> Government (Vabariigi Valitsus) (2015), ‘Implementation Plan of the Violence Prevention 2015-2018’ (*Vägivalla ennetamise strateegia rakenduskava 2015-2018*), Decision of the Government No. 100, available at: [https://valitsus.ee/sites/default/files/content-editors/arengukavad/ves\\_rakendusplaan\\_2015-2018\\_kodulehele.xlsx](https://valitsus.ee/sites/default/files/content-editors/arengukavad/ves_rakendusplaan_2015-2018_kodulehele.xlsx), activity 1.2.3 in particular.

<sup>29</sup> Conference ‘Raising Violence Free Generation’ (Konverents ‘Kasvatades vägivallavaba põlvkonda’), 13-14 October 2015, Tallinn, Programme available at: [www.eetika.ee/et/uritused/konverents-kasvatades-vagivallavaba-polvkonda](http://www.eetika.ee/et/uritused/konverents-kasvatades-vagivallavaba-polvkonda)

<sup>30</sup> Open Your Eyes’ (*Ava silmad*), available at: [www.avasilmad.ee](http://www.avasilmad.ee).

<sup>31</sup> Act Amending the Victims Support Act (*Ohvriabi seaduse muutmise seadus*), 4 November 2016, available at: [www.riigiteataja.ee/akt/104112016002](http://www.riigiteataja.ee/akt/104112016002). Stages of the proceedings together with explanatory letters is accessible at: [www.riigikogu.ee/tegevus/eelnoud/eelnou/16f47cbf-5bad-4a45-8f29-782fb99f499d/Ohvriabi%20seaduse%20muutmise%20seadus/](http://www.riigikogu.ee/tegevus/eelnoud/eelnou/16f47cbf-5bad-4a45-8f29-782fb99f499d/Ohvriabi%20seaduse%20muutmise%20seadus/).

<sup>32</sup> Ministry of Justice (*Justiitsministeerium*) (2016), E-mail correspondence, 20 October 2016.

## 2.5 Victims' experiences with criminal justice system legal state aid, and victim assistance

In 2011, the Ministry of Justice contracted University of Tartu to conduct a research on victims' and witnesses' experience with the criminal justice system.<sup>33</sup> One of the goals was to look at the secondary victimisation and to find out problematic points in the legislation as well as in the system of victim assistance and treatment by the system. The research was conducted in preparation to transposition of the Directive. The sample included 136 victims and 106 witnesses. Of the victims, 38% have had contact with the police only, 1% only with the prosecutor, 38% with the police and the prosecutor, 7% with the police and the court, 1% with the prosecutor and the court, and 14% with all the three institutions. As one can see, the police was contacted in 97% and is one of the most important institutions to identify victim.

Of those who have had contact with the police, 14% said they have had problems or unpleasant experience when interviewed by the police. One-fifth (21%) have had bad experience with the prosecution and 20% with the court. Only 53% of respondents have had sufficient information about their case proceeding, while 47% found information inadequate. Approximately one third of the respondents thought they spent too much time in relation to their criminal case proceedings. Less than half (40%) respondents said they have had to repeat their information several times to the police, prosecutor, or judge.<sup>34</sup> This shows that the respondents of this survey have experienced secondary victimisation.

According to the law, victims and witnesses have the right to compensation of costs related to their participation in the criminal procedure, e.g. transportation costs, loss of salary, per diem etc. Nearly half of respondents (45%) have had such kind of costs related to interviews in the police station or the prosecutor's office, court hearings etc, and 55% did not have any cost of this kind. Majority (74%) of witnesses and victims were not aware about the opportunity to apply for compensation of their costs. Only 3% of respondents have used their right for compensation of costs.

Slightly more than half of all victims interviewed for the study were aware about the legal state aid provided for people with low income. The study revealed that Estonian victims are more aware about this possibility compared to the Russian victims, and female more than male. Information about the state legal aid was received from the investigator, lawyer, prosecutor, police, internet, mass media, school or relatives and acquaintances. Six of the respondents have applied for the state legal aid. The main reason for non-applying is either that there was no need for the aid or that a person was not aware of such possibility.<sup>35</sup>

Respondents received information about the victim assistance mostly from a police officer dealing with the case (40%), couple of people received the information from the prosecutor and more than a half marked other sources of information, mostly relatives or acquaintances but also the local

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<sup>33</sup>The Centre for Applied Social Sciences (2012) *Kannatanud ja tunnistajad süüteo menetluses ("Victims and witnesses in a criminal proceeding")*, available at: [http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kannatanud\\_ja\\_tunnistajad\\_s\\_uuteomenetluses.\\_tartu\\_ulikool\\_rake.\\_2012.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kannatanud_ja_tunnistajad_s_uuteomenetluses._tartu_ulikool_rake._2012.pdf)

<sup>34</sup> *Ibid.*, p.39

<sup>35</sup> *Ibid.*, p.53

government and women's shelters. Two thirds of those who received the victim assistance have found it helpful, while twenty percent thought it was not useful at all.<sup>36</sup>

### 3. 'Entry points' to the criminal justice system

#### 3.1. Police

Most often the first entry point of victim to the criminal justice system is the police. This could happen in many ways. First, a person can report crime to the police by calling (or sending an SMS) to the emergency number 112. In this case, the police will go to the crime scene and, if there is a ground for it, will fill in the application (crime report form). If needed, the victim and the attacker will be separated (e.g. in case of domestic violence) and the case will be reported to the neighbourhood police officer.

Second, a person can report crime by coming directly to the police station and submitting a written application. In this case, a police officer on duty can register the report and direct victim to the victim support services. For example, at the police station in Tallinn where an interview for this project took place, information booklets for victims were provided at the waiting area and the victim protection worker's room was right in the area, easily visible and accessible.

**Figure 6. Waiting room at police station with information booklets for victims and the victim protection worker's office in the reception area. (Photo by the author)**



A person can also report crime by submitting on-line form.<sup>37</sup> This form is available in Estonian only. On-line application cannot be submitted if it is a serious crime, when a child is a victim, the attacker is

<sup>36</sup> Ibid., p.55

<sup>37</sup> See the form here: <https://www.politsei.ee/et/teenused/politseile-avalduse-esitamine.dot>

staying at the scene of an event, there were eye-witnesses of the conduction of the crime, and in case the scene of an event is untouched. In those cases, people should call the police.

There are also three "web constables"<sup>38</sup> (available via Facebook, Twitter, Rate, Skype), two of them are Estonian-speaking and one Russian-speaking. The constables also communicate in English. Web constables respond to notifications and letters submitted by the people via internet and train children as well as adults on the issues of internet security. The purpose of web constables is to advise people in any questions related to the law, in case one would like to send a hint or information about crime, if a person is fallen a victim to teasing/abuse, or if a person would like to notify about sexual or other kind of abuse.

### 3.2 Victim Support Services

The central institution that is aimed to support victims of crime is the Victim support and conciliation Service that is part of the National Social Insurance Board. The victim support is a free public social service aimed at maintaining or enhancing the victim's ability to cope. The work of the victim support service is regulated by the Victim Support Act. This national victim support institution was created in Estonia 10 years ago. There is a victim support office with at least one worker in every county (18 offices in total). As a rule, the victim support worker's office is in the same building with the police. In total, there are 29 victim support workers in Estonia.

Any person who has fallen victim to negligence, mistreatment or physical, mental or sexual abuse has the right to receive the victim support. Any person who has been subject to suffering or injury has access to counselling regardless of whether the identity of the perpetrator has been disclosed or criminal proceedings have been brought against him/her.

From the point of view of the Directive, it is important that information about the victims' assistance is aggregated in one institution, the so-called *one-stop-shop* principle, so a victim does not need to go from one institution to another. The work of the Victim support and conciliation Service is organised according to this principle. The provision of the victim support services includes (Victim Support Act § 3(2)):

- 1) counselling of victims;
- 2) assisting victims in communicating with state and local government authorities and legal persons.
- 3) ensuring safe accommodation;
- 4) ensuring catering;
- 5) ensuring access to necessary health services;
- 6) providing necessary material assistance;
- 7) providing necessary psychological assistance;
- 8) enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services;
- 9) providing other services necessary for physical and psycho-social rehabilitation of victims.

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<sup>38</sup> "Web Constables give advice on the Internet", available at:  
<https://www.politsei.ee/en/nouanded/veebikonstaablid/index.dot>

Since 2013 there are special provisions in the Victim Support Act regarding the victims of human trafficking and child sexual abuse. The list of services for such victims is enhanced and it is stated in the law that rehabilitation services are provided as long as it is needed.

Although the number of registered crimes is decreasing, the number of persons who turned to the victim support service is increasing. According to the data by Social Insurance Board, the number of unique clients in 2014 was 3155, of whom 684 were male and 2440 female victims. In 2013, the number of victims who received help from the services was lower - 2990 persons (see also Table 3). In 2014, of all the victims who contacted the victim assistance services, only 47% have had reported an offence to the police (46% in 2013).

Table 3. Persons received assistance from the Victim Assistance Service by type of the offence<sup>39</sup>

Type of offence	2014	2013
Physical abuse	334	381
Rape	28	29
Sexual abuse	94	72
Homicide	52	98
Domestic violence	1328	1114
School bullying	20	21
Psychological violence	469	407
Institutional violence	27	26
Property crime	55	73
Accident, incl traffic accident	101	92

Source: Social Insurance Board

In the interviews, the victim support workers emphasised that the compensation mechanism for the cost of psychological care for victims is very good. The Victim's Support Act (§ 6<sup>2</sup>(2)) provides that *"the decision to compensate for the cost of psychological care shall be based on the following: 1) the relation of the offence committed with regard to the victim and the decline of the ability to cope of the applicant for compensation; 2) the anticipated efficiency of the psychological care; 3) the need of the person for other services."* According to this Act, psychological care includes psychological counselling, psychotherapy or support group services. The victim is entitled to compensation for the cost of psychological care in an amount of up to one minimum monthly wage (from 1 January 2017 this sum is €470), and his/her family members in an amount of up to three times the minimum monthly wage. In 2014, the total number of applications for compensation of the costs related to the psychological counselling was 389, of which 233 was provided for victims and 156 to the members of victim's family. The total amount of compensation was €90,666.<sup>40</sup>

The victim support act also has the provisions for the involvement of volunteers in victim support. However, this possibility was used in 2005-2006 only and no volunteers are involved in the victim support at the moment.<sup>41</sup> This unused resource may become important component of the victim

<sup>39</sup> Ministry of Justice. "Seletuskiri kriminaalmenetluse seadustiku muutmise ja sellega seonduvalt teiste seaduste muutmise seaduse eelnõu, millega laiendatakse kannatanute õigusi kriminaalmenetluses, juurde", p. 54

<sup>40</sup> Ministry of Justice. "Seletuskiri kriminaalmenetluse seadustiku muutmise ja sellega seonduvalt teiste seaduste muutmise seaduse eelnõu, millega laiendatakse kannatanute õigusi kriminaalmenetluses, juurde"

<sup>41</sup> *Ibid.*

support system contributing to its flexibility, availability and accessibility. According to the interview with a representative of NGO, one reason why the crisis centre for women do not involve volunteers in their work is the formal requirement set by the Ministry of Social Affairs that before assisting victims of domestic violence volunteers shall receive the 40-hour training on the intimate partner violence. Such training is available only once a year. The help of volunteers would be appreciated because the crisis centre receives 10 hours of legal and 15 hours of psychological counselling paid by the state.

### 3.3 Women's support centres/shelters

Estonia has signed but not ratified the Istanbul Convention, a pillar stone in the rights of women victims of crime. The new coalition agreement points out that the Convention will be ratified in 2017.<sup>42</sup> Violence against women has been prominently discussed both in the media in general as well as was brought up by the members of the Parliament in the last years.<sup>43</sup> All in all, in the last 5 years, due to the Norway Grants in the sum of total € 2,000,000 provided for the field of domestic violence, the services to women who are victims of domestic violence have been improved. There have also been several projects and studies in the field of domestic violence. This all has helped to provide better assistance to the victims of domestic violence and meet their needs better.

Starting from 1 January 2017, the operation of women's support centre services is guaranteed and regulated by the Victim Support Act. The Act (§ 6<sup>5</sup>) defines "*women's support centre (hereafter support centre) service is a compound service which objective is to contribute to rescue from violence of a woman who has fallen victim to violence against women and achievement of independent ability to cope by providing safe environment and counselling and, if necessary, temporary accommodation for the woman and the children accompanying her*". The violence against women is defined in the law broadly, including physical, sexual, mental or economic harm, including a threat of the violence.

Women's support centres are organised in every Estonian county, 15 in total. The work of the centres is financially supported from the state via tendering procedure. In 2017, the total amount given to the support centres all over Estonia is €641,051. The place of the support centre and the centre's workers contacts are not disclosed. There is central phone number 1492 working 24/7 that provides support and counselling to the victims of violence against women.<sup>44</sup>

Before 2017, services of the women support centres were provided on a contractual basis without a clear and general legal obligation. Now the Victims Support Act supplement regulates in detail the

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<sup>42</sup> 'Basic Principles of the Government Coalition between the Estonian Centre Party, the Estonian Social Democratic Party, and Pro Patria and Res Publica Union (IRL) for 2016-2019' (*Eesti Keskerakonna, Sotsiaaldemokraatliku Erakonna ning Isamaa ja Res Publica Liidu valitsusliidu aluspõhimõtted 2016-2019*) (2016), available at:

[https://valitsus.ee/sites/default/files/basic\\_principles\\_of\\_the\\_government\\_coalition\\_between\\_the\\_estonian\\_centre\\_party\\_the\\_estonian\\_social\\_democratic\\_party\\_and\\_pro\\_patria\\_and\\_res\\_publica\\_union\\_irl\\_for\\_2016-2019.pdf](https://valitsus.ee/sites/default/files/basic_principles_of_the_government_coalition_between_the_estonian_centre_party_the_estonian_social_democratic_party_and_pro_patria_and_res_publica_union_irl_for_2016-2019.pdf).

<sup>43</sup> Henno, S. (2016), '7 moments when to hit a women' based on the case of Tiit Ojasoo' ('7 hetke, mil lüüa naist' Tiit Ojasoo ainetel'), Postimees, 10 June 2016; Estonia, Velsker, L. (2016), '13 well-known men from the governing elite joined a campaign condemning the violence against women' ('13 tuntud meest Eesti riigi eesotsast liitusid naistevastast vägivalda tauniva kampaaniaga'), Postimees, 29 June 2016.

<sup>44</sup> "Naiste tugikeskused aitavad abivajajaid ka uuel aastal", press release, Social Insurance Board, available at: <http://www.sotsiaalkindlustusamet.ee/naiste-tugikeskused-aitavad-abivajajaid-ka-uuel-aastal/?highlight=marac>

services provided by the support centres including the qualification of personal, the type of services provided and maximum duration of the services<sup>45</sup>. At the same time, according to the Estonian Women's Shelters Union (*Eesti Naiste Varjupaikade Liit*), the total budget for the services to be provided for year 2017 decreased substantively.<sup>46</sup> In 2016, the shelters received a total of € 725,000 support, a part of which came from the Norway Grants (*Norra toetusprogramm*) which ended in 2016.<sup>47</sup> In 2017, the total planned budget is € 620,000. i.e. nearly € 100,000 less. Because of this, the Estonian Women's Shelters Union is of the opinion that such a decrease in financing does not allow to continue a sustainable operation and provide the necessary integrated services.

### 3.4 Conciliation

Responsibility of the Victim support service is the provision of conciliation service. Victim support workers who have received the relevant training carry out the conciliation. If the parties consent to this, the prosecutor's office or a court of law will make the decision to terminate criminal proceedings by reverting to the conciliation procedure. The conciliation process ends with the signature of a written conciliation agreement between the parties. The agreement sets out the procedure for and the conditions of remedying the damage caused by the offence, and it may include other terms and conditions, including the performance of effective actions. The conciliator's main function is to guide the parties towards a normal and feasible agreement.<sup>48</sup>

As a practice, the conciliation proceedings are used in cases of domestic violence. The aim of the conciliation proceeding is to achieve conciliation between the suspect/accused person and the victim, and remedy the damage caused by the criminal offence.<sup>49</sup> However, the conciliation is not permitted in cases of torture, human trafficking, abduction, offences against sexual self-determination, extortion or aggravated breach of public order, also when the offence has been committed by an adult against a minor or it has resulted in a person's death.<sup>50</sup> The conciliator is a victim support officer and he/she is appointed as a conciliator in a particular case pursuant to Code of the Criminal Procedure, Victim Support Act and Regulation on Conciliation Procedure.<sup>51</sup> The conciliation proceedings have been suggested as one method in incidents of domestic violence, but strongly condemned by some

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<sup>45</sup> Social Insurance Board. Description of services provided by Women's support centres 2017. Available at: <http://www.sotsiaalkindlustusamet.ee/naiste-tugikeskuse-teenus/>

<sup>46</sup> Estonian Women's Shelters Union (*Eesti naiste varjupaikade liit*), Financing the Services in 2017 (*Teenuse rahastamine 2017. aastal*). Available at: <http://naisteliin.ee/index.php?id=160>.

<sup>47</sup> Estonian Women's Shelters Union (*Eesti naiste varjupaikade liit*), Financing the Services in 2017 (*Teenuse rahastamine 2017. aastal*). Available at: <http://naisteliin.ee/index.php?id=160>.

<sup>48</sup> <http://www.sotsiaalkindlustusamet.ee/conciliation-service-2/>

<sup>49</sup> Meior, M. (2014) Protecting Victims' Rights in the EU: the Theory and Practice of Diversity of Treatment During the Criminal Trial. National Report: Estonia. Estonian Human Rights Centre, available at: <http://www.victimprotection.eu/index.php/2014-05-01-19-31-19/jd/finish/10-ee-estonia/84-ee-national-report>.

<sup>50</sup> Procedure for conducting conciliation proceedings (*Lepitusmenetluse läbiviimise kord*), Decree no 188 of the Government.

<sup>51</sup> Procedure for conducting conciliation proceedings (*Lepitusmenetluse läbiviimise kord*), Decree no 188 of the Government.

specialists working with victims of domestic violence.<sup>52</sup> Instead, the restraining order should be used more, as soft measures may not have the expected result.<sup>53</sup>

### 3.5 State compensation to victims of crime

The Victim support service also coordinates the state compensation to victims of crime. Compensation is paid to the victims of crimes of violence committed in the territory of the Republic of Estonia and to their dependants. The person who bears the expenses relating to the medical treatment or funeral of a victim has the right to be compensated also. Compensation shall be paid if the victim sustains serious damage to his or her health, sustains a health disorder lasting for at least six months or dies as a result of a crime of violence. According to the Act, the amount of compensation shall be 80% of the material damage but no more than a total of €9,590 to one victim and all his dependants. As previous studies have shown, the state compensation is rarely applied for (see part 2.5).

### 3.6 Special assistance to child victims

When victim of crime or abuse is a minor, he or she receives special treatment by the criminal justice institutions. Child welfare specialist, social worker, teacher or psychologist may be involved in the hearing of the child. Official who interview a child victim shall have received appropriate training. If official has no special competence, then presence of child welfare specialist, social worker, teacher, or psychologist is mandatory in cases when child is up to ten years old or if the case is related to domestic violence or sexual abuse, and also if a child has some special needs or disabilities. If necessary, the hearing is video recorded with the intention to use it as evidence in court.

In January 2017, a pilot project of Children's House was started in Tallinn. The information booklet describes this project as:

*"[...] a child-friendly interdisciplinary service for children suspected or confirmed to have been sexually abused. Different specialists such as police, child protection workers, psychologists and many others working for the welfare of children are brought under the same roof. Investigations are made on the ground with children that have fallen victim; later they are also provided the help they need. The Social Insurance Board, the Police and Border Guard Board, the Northern District Prosecutor's Office, the Estonian Forensic Science Institute, the Tallinn Children's Hospital Foundation and Harju County local governments all work closely together within the framework of the Children's House service. ...While today a child still needs to tell their story in different locations, it will be no longer necessary in the Children's House. It is extremely important because secondary victimisation may have dire effects on the child and they may even refuse to speak at all, which makes it difficult to help them. Pre-interview is a predetermined process where a child is*

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<sup>52</sup> "Iris Pettai: viharavi või lepitusmenetlus pole tõhusad lahendused perevägivalda vastu", L. Velsker, 18 March 2015, ERR uudised, available at: <http://uudised.err.ee/v/arvamus/13c2804a-5910-4fee-ac46-84d6d2d86434/iris-pettai-viharavi-voi-lepitusmenetlus-pole-tohusad-lahendused-perevagivalda-vastu>;

"Lepitusmenetlus ei pruugi vägivallatsejat taltsutada", K. Ibrus, 14 June 2016, Eesti Päevaleht, available at: <http://epl.delfi.ee/news/eesti/lepitusmenetlus-ei-pruugi-vagivallatsejat-taltsutada?id=74801299>.

<sup>53</sup> "Iris Pettai: viharavi või lepitusmenetlus pole tõhusad lahendused perevägivalda vastu", L. Velsker, 18 March 2015, ERR uudised, available at: <http://uudised.err.ee/v/arvamus/13c2804a-5910-4fee-ac46-84d6d2d86434/iris-pettai-viharavi-voi-lepitusmenetlus-pole-tohusad-lahendused-perevagivalda-vastu>;

"Lepitusmenetlus ei pruugi vägivallatsejat taltsutada", K. Ibrus, 14 June 2016, Eesti Päevaleht, available at: <http://epl.delfi.ee/news/eesti/lepitusmenetlus-ei-pruugi-vagivallatsejat-taltsutada?id=74801299>.

*encouraged to speak about what happened in a safe environment and in a non-guiding way. During the interview, the suspicion of sexual abuse is assessed and, if necessary, the police starts criminal proceedings. In the Children's House, the medical condition of the child is evaluated and their need for further help is ascertained. Information on the follow-up services for the child and the family is also available at the Children's House. The referral to the Children's House is made by the child protection worker or by the social worker.”<sup>54</sup>*

This new practise that is organised on the *one-stop-shop* principle looks very promising as every meeting with the police at the station may have traumatic effect on a child victim.

## 4. Victim-related practices in national systems

In this section, we specifically look at the two particularly vulnerable groups of victims: victims of domestic violence and child victims of sexual abuse. For the victims of trafficking in human beings there is a system of identification, referral and assistance already in place. Interviews with the experts revealed that minorities like, disabled people, LGBT people, or other vulnerable groups are not considered as a separate group and therefore do not receive any special treatment. In recent years combating, preventing domestic violence including victim assistance was one of the priorities for the criminal justice in Estonia. There is also a considerable amount of initiatives aimed to identify and assist children who have been victims of sexual abuse. Based on this, the research team decided to focus on those two groups where legislation, services, organization of work of the agencies are still “under construction”.

### 4.1 Identification of victims

#### a) Police

In case of domestic violence, the police (see appendix) will fill a special form at the spot, even if the criminal proceeding will not be started. The form consists of two parts: information on the perpetrator and information on the victim. This form with the information on domestic violence will be later forwarded to the neighbourhood police officer. The neighbourhood police officer will visit home where the violence took place and talk to the victim. It seems from the interviews that for the victims of intimate partner/domestic violence, the neighbourhood police officer is the most important contact who has the role to identify, assess need and refer victim to other services.

If the victim is a child, a specialised police unit called the child protection unit will interview a child in a special room. If sexual abuse is suspected, special anatomical dolls will be used to help child to explain what happened to him or her. Police officers from the child protection unit have, as a rule, received a special training to interview a child. On January 25th in 2017, the Ministry of Justice in cooperation with the Ministry of Interior presented a Handbook of Child Interviewing, which is a practical tool for all the specialists working with child victims and witnesses.<sup>55</sup>

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<sup>54</sup> Children's house. Information brochure. Ministry of Social Affairs, available at: [http://www.sotsiaalkindlustusamet.ee/public/Lastekaitse/Lastemaja\\_ENG.pdf](http://www.sotsiaalkindlustusamet.ee/public/Lastekaitse/Lastemaja_ENG.pdf)

<sup>55</sup> Liivamägi-Hitrov, A.; Kask, K. (2016) Lapse küsitlemise käsiraamat (*Handbook for interviewing children*). Ministry of Justice, available at:

**Figure 8. Special room to interview child victims and witnesses**



Source: Police and Border Guard Board, Northern Police prefecture

## **b) Victim support services**

According to the interviews with the victim support services, roughly half of the victims reach them via the police, half of the turn themselves to the services. In cases of domestic violence, when the police has filled in the form and victim has agreed to share this information with the victim support, then the victim support worker will contact this person to agree on the personal meeting.

Sometimes the police officer brings a victim to the support service but such cases are rare, just few hundred cases per year for the whole country.

Some people come directly to the victim support office. In such cases, it is difficult to say whether someone (e.g. some NGO) has recommended it or a person just learned about the service herself/himself. If a person claims he or she is a victim, he or she will be heard by the service. There are no guidelines for identification of victims. As the victim service worker said: *“This is first of all because we welcome everyone who feels they’ve been hurt or badly treated or treated with negligence and they themselves feel that they cannot cope any more with their everyday life”*.

Each case is entered into a database. The database contains description of the case, planned, and agreed actions to assist the victim. The database also provides information whether the person has been a victim before. The personal identification is not necessary to receive help from the services: *“If person says she or he has a problem, then we will talk about the problem. She or he may remain anonymous, this is not important for us. What is important is what the problem is and how we can help the client. Can we help it or do we need to send the person to another institution.”*

The victim support service will not deal with the minors. The victimised minors will be referred to the special Police child protection unit.

## **C) Hospitals**

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[http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/lapse\\_kusitlemise\\_kasiraamat\\_2016\\_0.pdf](http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/lapse_kusitlemise_kasiraamat_2016_0.pdf)

Important institutions in the identification of victims of violence are hospitals, first of all emergency rooms but also gynaecologists and general practitioners who can observe the signs of violent abuse during their routine control.

In emergency rooms (ER), if it is not possible to establish contact with the victim, the police will be called to the hospital. The police will take responsibility to identify person and learn about the incident. The person who will turn to the hospital is first of all treated as a patient: *“If, for example, a woman comes and says that the man has beaten her at home, then we ask what is her purpose of the visit, whether she has headache, or she wants to sew the wound... When the patient wants, then we identify her and doctor prepares a report, of what happened and where, and then pass it to the police. This is done only if the patient agrees, has given her consent.”* The hospital first of all provides medical assistance and is not so much interested in other issues. Even if the report from the hospital would be sent to the police, no proceeding will be commenced unless a victim files a report to the police herself. ER has obligation to call the police in case if they have suspicion that a child was a victim of violence: *“In another case, a 7-8-year-old girl was really bleeding. The mother tried to hide it, however. In this case, we had the obligation to inform the police. In such cases, we do not listen what the parents say. We are required by the law to report the incident and the doctor, not parent, is responsible for the child”*. Doctors have no right or obligation to refer the patients to the Social Insurance Board, NGOs or other services. In the interviews, the ER workers mentioned that they do not have overview of the institutions and contacts to refer patients to the institutions providing victim support, although thought it would be a good idea to have such a list of contacts.

#### **D) Women’s shelters and support centers**

In the women’s shelter, as the representative of staff claimed in the interview, there is no need to identify the victims: *“We do not place people in the row and do not check who is a victim and who is not. When a person arrives to us, we start to talk to her. Only victims arrive to us.”*

In the NGO providing assistance to women in prostitution and rehabilitation of victims of human trafficking, a victim psychologist, during the interviews, pays attention to the following characteristics: vulnerable situation prior to trafficking, how recruitment and transportation was done, who were the actors, what was the victim’s role, and what kind of exploitation was there. The interview is not structured but the specialist keeps those points in mind while having conversation with the victim. If there is the reason to believe that the interviewed person may be a victim of human trafficking, then the director of NGO will be informed and decide about the next steps, whether the case shall be referred to the police.

#### **D) Child protection**

Child protection (welfare) workers work at the local government and are responsible for the protection of child’s rights and welfare. When a child protection worker receives information about a child in need (including a victimised child), she or he will take all necessary steps to first, meet the child and after that talk to the parent. A child protection worker told in the interview that to meet a child, she would go to the school, kindergarten, and the child’s home. Sometimes, if it is more convenient for the child, the meeting would take place at the office of the child protection worker. Information about the problems comes from a school psychologist or a school social worker. However,

one of the problems mentioned by the child protection worker is that if the teacher who observes child directly will not inform a social worker or a psychologist, the child in need will remain unnoticed and gets no assistance. Sometimes a parent or a neighbour will call a child protection worker if there is a suspicion of abuse of a child.

If there is a suspicion of abuse, for example, a teacher at school or kindergarten notices bruises, or if a kindergarten child shows unusual interest to sexual topics, the child protection worker will inform the police. There is no special formal instrument or a form in use for the identification of victims. Child protection worker talks to a child in an appropriate manner.

According to the Child Protection Act (*Lastekaitseadus*) every person who has knowledge of a child in need of the assistance is required to notify the local government or the child helpline service 116 111.

To help the teachers and other specialists working with children to identify the sexual abuse of children, a so-called “Barometer of concern” created by Janus Centre (Denmark) was translated and adopted to Estonian and Russian languages. The Barometer is a guideline to the professionals and parents on whether the behaviour exhibited by children and adolescents should provoke a concern and when to intervene.<sup>56</sup>

## 4.2. Individualised assessment of needs

Today, the Code of Criminal Procedure (*Kriminaalmenetluse seadustik*) states explicitly that the body conducting proceedings is **obligated to assess** whether victim requires special treatment and protection in criminal proceedings. The assessment shall take into consideration the victim's personal characteristics, the gravity and nature of the criminal offence, the personality of the suspect, the circumstances of crime and the damage caused to the victim.

The explanatory note to the draft law on transposition of the Victim’s Directive states that the new legislation does not foresee any formal procedure for the assessment of the victim’s needs but it states that an authority (the police or prosecution) has an obligation to assess every victim's needs for the victim to receive an adequate help. The explanatory note also states that the training and the guidelines are needed to ensure that the special needs of the victims will be met in the criminal procedure.

The explanatory note also recognises that the concept of assessment need to be created along the material for the sensitivity training. Among others, police officers, prosecutors and judges shall take into account:

- Whether a victim is a minor;
- The offence is a high-risk crime such as sexual offence, serious violent crime, domestic violence, human trafficking, organised crime, hate crime;
- The personality or situation of a person involves high-risk factors such as threats to the victim, high age, mental/physical special needs, language, ability to express his or her will;

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<sup>56</sup> Janus Centret. Barometer of Concern. Available: <http://januscentret.dk/wp-content/uploads/The-Barometer-of-Concern.pdf>

- In case of domestic violence to assess whether medical assistance is needed because of injuries, whether act of violence is repeated, whether there are children in the family, whether a victim is pregnant;
- Whether a fire arm was used or there is access to fire arms;
- Whether a victim has suicidal thoughts;
- Whether a perpetrator was previously violent;
- Whether there was a violation of a restraining order;
- Whether a victim or a perpetrator has an addiction risk.<sup>57</sup>

## A) Police

The police collects information about victims and perpetrators of domestic violence using “Information sheet for domestic violence”. As one police officer told in the interview, “*this sheet was created by ourselves, for our analytical purposes in order to get better overview of the case*”. The example of information sheet is presented in the appendix (in Estonian only). There are six sections in it:

### 1. General data

- 1.1. Brief description of the case/call (2 lines)
- 1.2. Place of violence (home/public space/other)
- 1.3. Children (present during conflict/violence against child/conflict without presence of a child/number of children)
- 1.4. Violence (physical abuse/sexual abuse/psychological abuse/weapon/no abuse)

### 2. Victim

- 2.1. Name
- 2.2. Date of birth
- 2.3. Personal ID number
- 2.4. Gender
- 2.5. Place of residence
- 2.6. Phone number
- 2.7. Condition of a person (sober/under influence of alcohol/under influence of drugs/unknown)
- 2.8. The results/harm (no health damages/health damage/dead)
- 2.9. Relationship between a victim and a perpetrator  
(spouse/partner/mother/father/daughter/son/sister/brother/former spouse or partner/other)
- 2.10. Decision regarding a victim (remained home/sent to become sober/left/brought to the police station/brought to hospital/other)

Victim's agreement to refer the contact data to the victim support service....(signature)

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<sup>57</sup> Ministry of Justice. “Seletuskiri kriminaalmenetluse seadustiku muutmise ja sellega seonduvalt teiste seaduste muutmise seaduse eelnõu, millega laiendatakse kannatanute õigusi kriminaalmenetluses, juurde”

### **3. Perpetrator**

- 3.1. Name
- 3.2. Date of birth
- 3.3. Personal ID number
- 3.4. Gender
- 3.5. Place of residence
- 3.6. Phone number
- 3.7. Social status (pupil/student/retired/disabled/unemployed/working.....)
- 3.8. Condition of a person (sober/under influence of alcohol/under influence of drugs/unknown)
- 3.9. The results/harm (no health damages/health damage/dead)
- 3.10. Relationship between a victim and a perpetrator  
(spouse/partner/mother/father/daughter/son/sister/brother/former spouse or partner/other)
- 3.11. Decision regarding a victim (remained home/sent to become sober/left/brought to police station/brought to hospital/other)
- 3.12. Restriction order applied (yes/written/oral/no)

### **4. Witnesses and children in the family (contact, data, relationship to victim/perpetrator)**

### **5. Additional information/notes**

### **6. Decision on the case (filled in later by neighbourhood police or a contact person)**

- 6.1. Procedure commenced (criminal/misdemeanour)
- 6.2. Procedure terminated (criminal/misdemeanour)
- 6.3. Information referred to (neighbourhood constable/youth police/social welfare/victim support)
- 6.4. Additional control done by (neighbourhood constable/youth police/social welfare/victim support)

The information sheet, according to all interviews with the police officers and the victim support workers, is a helpful work instrument and they found it very useful. In the interview, the police officer responsible for the strategic planning said that although it can be, to some extent, used to assess the victim's needs, the purpose of information sheet is the collection of data. At the moment, the police and other services are working on MARAC networking model that will employ DASH risk assessment model that is in use by UK police since 2009.<sup>58</sup> The MARAC model will be discussed in the next section (referral) of the report.

Police officers often can speak Estonian and Russian languages and communicate with the victims using the language of their choice. If a particular police officer cannot speak Russian, then somebody from the station will be found who can speak the language.

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<sup>58</sup> Laura Richards. (2009). Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH, 2009) Risk Identification and Assessment and Management Model. Available: <http://www.dashriskchecklist.co.uk/wp-content/uploads/2016/09/DASH-2009.pdf>

Information materials for the victims are, as a rule, provided in Estonian and Russian, recently some of the materials are also available in English.

If the victim of violence is aged person, police is working in co-operation with social welfare workers.

If the violence act is repeating, this information is recorded to the police database and a policeman on duty can take this into account when deciding what measures to take for the victim protection and assistance. The database is used by police. In practice police officer will communicate this information to victim support worker.

The neighbourhood police officers also mentioned in the interview that they have experience with domestic violence between LGBT couples. Police officers received no special training on the issue. The best strategy they use is to treat LGBT people on the non-discrimination basis, *“just like any other family”*.

## **B) Victim Support Services**

There is no special instrument for the assessment of the victim's needs. For the assessment of psychological needs, the victim support service has a special questionnaire that is the basis for receiving the psychological counselling. Victim support worker will fill this questionnaire in the course of the interview. The interview is not structured, the victim support workers talk „naturally“ to the victim. This questionnaire will be filled in and the procedure initiated in case if victim would like to receive psychological counselling. The questionnaire is the basis for the application to compensate costs of psychological counselling. In the application, the victim support worker will indicate the individual characteristics of the victim, and explains how the victim will benefit from the counselling.

When the victim applies for the compensation of counselling costs, the victim support worker will come back to the questionnaire and fill it to the information system. The questionnaire contains information about health, sleep deprivation, irritability, emotions, security, work ability, coping with everyday life, social network, whether a victim has any family member who supports him or her. The data is entered to the system and the response on the need of the psychological support and counselling is given immediately.

As could be concluded from the interviews, in the cities where the proportion of the Russian-speaking population is considerably high, the victim support workers can speak both languages and a victim can receive assistance in her or his language without involvement of an interpreter.

## **C) Women's support centres**

Women's support centre described the assessment procedure as follows: *“When a person comes to us, she has to inform us about her special needs and health problems. We have such point [in the assessment] and she has to confirm it with her signature. If a person can cope with her life, it does not matter. However, if she has a mental disorder, then shelter will not accept her. That is because we do not have a personal who is 24 hours a day present here. ...If such a person arrives, then the problem is how to send her to somewhere else/another institution because she is threatening other women in the shelter.”* A case plan is created for each victim. First, the victim writes herself the reason why she came

to the shelter. Later, a member of the staff writes to the case plan what the victim will do and where she will go later. Everything is written as the victim says, no checks are done later by the shelter's staff.

In another NGO who is assisting victims of trafficking, the assessment criteria is the relevance of the characteristic to the rehabilitation process, involving assessment of physical health, psychological health, social and legal situation. Based on this assessment, a rehabilitation plan is done. *"For example, sometimes a person needs to see a doctor, or is underweight and needs additional food, needs some clothes, or needs to go to the psychiatrists. Even if the victim has elderly parents and they need to be protected or taken care of, then we help to arrange all things. We can put all this to rehabilitation plan."*

#### **D) Hospitals**

Hospitals (emergency rooms) do not assist any other needs except what is needed for the medical treatment: *"We neither have time nor wish to learn some more about a patient except his or her health problems"*. There is no record on the number of times a person has been to ER because of traumas.

#### **E) Child protection**

The assessment of child's needs is done according to the Child Protection Act. Child protection worker collects information, sends requests to different relevant specialists and institutions: *"I talk to the family and institutions who have contacts with them; if some specialists work with the family, then I collect information from them, e.g. psychologists, psychiatrists. If the circle is small, then there is less information. Based on this, I can get a picture."* There are no special scales used for risk/needs assessment. There is no compulsory form to be filled in. Every child has an electronic file where all the information comes together in the STAR registry<sup>59</sup>. All areas that need to be assessed are in the table: physical condition, health condition, economic, educational skills of the persons who are raising a child, child's opinion and parent's opinion, in addition, evaluation by the educational institution and, if needed, an expert's opinion.

### **4.3. Referral mechanisms**

#### **A) Police**

Victim of domestic violence will be asked for the consent to send his or her contact data to the victim support worker. In case the victim agrees, the information about the incident will be submitted to the victim support worker.

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<sup>59</sup> STAR – (*Sotsialtoetuste – ja teenuste andmeregister*) - Social Services and Benefits Registry - is a central database belonging to the state information system which is established for the recording and processing of social work (case management, recording and processing of the provision of social services and benefits and other assistance, organisation of adoption and guardianship, and collection of data concerning social welfare and data and statistics concerning social benefits paid by local governments).

Sometimes, home visits are done together by the police and the victim support workers or other relevant persons. A person who was suffering from the violent act, will be given an informational booklet, folded into a credit-card size. The booklet contains contact details for the main institutions that provide help to the victims: police, victim support service, shelter, social welfare worker or child welfare worker. It also includes information on the victim's rights and the special protection right. There is also space left that will be filled in by a police officer on the spot. There is space for the phone numbers of a neighbourhood police officer, local victims' support worker, local social welfare/child protection worker, contact for the shelter and a doctor. The booklets are available in three languages: Estonian, Russian and English<sup>60</sup>.

Figure 7. Part of the information booklet for the victims of domestic violence



## B) Victim support services

Victim support services can refer victim to the police, psychologist, women's shelter, social worker, sometimes hospital etc. The closest cooperation is with the police:

*"We do co-operate with the police. When something happens, the network and case management are created. We talk to the psychologist, ask what happened to a person, whether a criminal procedure was started, what was the end of the story. All communication is oral, we cannot do anything in written, information is confidential. But we do share a little. We do co-operation with the prosecutor's office. However, we do not get anything from the medical institutions. Nothing comes back from there. Even when a boy with psychosis was taken to the clinic directly from my office, a doctor called and asked for information about the case, but I got no information, nothing back."*

As the head of the victim support services told in the interview, the common electronic system for information exchange between the institutions does not exist at the moment. There is no system for the electronic referral. Every time the victim support service contacts a client, certain experts and

<sup>60</sup> Police and Bolder Guard Board. Information materials for prevention. Available: <https://www.politsei.ee/et/ennetus/ennetusalased-materjalid.dot>

agrees about the meeting, time etc. At the moment it is in the development phase but there are still a lot of questions to be answered. It would be reasonable not to create a new separated system for the victim support service but to use the one (STAR) already in use by the child protection workers and which accessible to the shelters and the police. This is certainly an area that needs to be developed.

### **C) MARAC model**

Estonian Insurance Board together with the Ministry of Interior have applied and received financial support for the project to develop a multi-agency model for cooperation to identify and assist families in risk of domestic violence. The aim of the project is to adapt MARAC (Multi Agency Risk Assessment Conference) model for co-operation that is already in use in UK<sup>61</sup> and Finland<sup>62</sup>.

Now the model is piloted in three regions (since June 2016 until December 2017). By the year 2020, the model will be adopted and applied in the whole country.

The MARAC is a victim-focused meeting where information is shared on the highest risk cases of domestic abuse between the criminal justice, health, child protection, housing practitioners as well as other specialists from the statutory and voluntary sectors. MARAC involves the assessment of victim's needs and risks, creation of a safety plan for each victim, regular meetings for the case management. When an intervention is successful meaning that the victim is safe, protected and there is no danger of the violence, the intervention will come to the end. The victim's situation will be monitored for one year after the end of intervention. Every part of the MARAC network will get its tasks and responsibilities.<sup>63</sup>

### **D) Hospitals**

No response from hospitals/doctors. According to doctor's view assisting victims including referral to other institutions is not their task. Many specialists mentioned problem of communication between doctors and victim assisting institutions. ER specialists, general practitioners and family doctors may and should play more important role in the whole process of victims' identification and referral.

One positive step to increase the role of doctors in the network to help victims of violence, is inclusion of doctors in the teams of above mentioned children's house to assist children who have been victims of sexual abuse.

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<sup>61</sup> SafeLives. Resources for MARAC Meetings. Available: <http://safelives.org.uk/practice-support/resources-marac-meetings>

<sup>62</sup> Martta October. MARAC: The Finnish Experience. Available: [http://www.lm.gov.lv/upload/berns\\_gimene/prezentacija/marac\\_and\\_the\\_finnish\\_experiences\\_26.11.2015.pdf](http://www.lm.gov.lv/upload/berns_gimene/prezentacija/marac_and_the_finnish_experiences_26.11.2015.pdf); Finnish National Institute for Health and Welfare. *MARAK - moniammatillinen riskinarviointi*. Available: [https://www.thl.fi/fi/web/lapset-nuoret-ja-perheet/tyon\\_tueksi/menetelmat/marak](https://www.thl.fi/fi/web/lapset-nuoret-ja-perheet/tyon_tueksi/menetelmat/marak)

<sup>63</sup> Sotsiaalkindlustusamet. *Lähisuhtevägivalla all kannatavate noorte ja perede kindlakstegemine ning nende probleemide lahendamise võrgustikutöö meetodil*. Available: <http://www.sotsiaalkindlustusamet.ee/lahisuhtevagivalla-all-kannatavate-noorte-ja-perede-kindlakstegemine-ning-nende-probleemide-lahendamise-vorgustikutoo-meetodil/>

## **E) Child protection**

A victim support worker: *"With the child protection worker it is so-so. With some of them, the co-operation is better, with some, worse. But it got better with the years. This co-operation with the child protection is very important to deal with the child's problem. Via e-mail the answers are very laconic, phone conversations tell more. Our data protection has frightened everyone, this is the main obstacle".*

## **5. Synthesis: good practice, gaps and challenges**

### **Good practices:**

- Police: Information sheet in case of domestic violence
- Police: Neighbourhood constable follow-up visits to the victims' home in co-operation with the victim support and other welfare specialists
- Victim support worker's office at the police stations. Because (a) a victim can access services; (b) supports co-operation of the police and victim protection
- Good co-operation between specialists (everyone knows each other)
- A special centre for child victims of sexual abuse – all specialists in one place; services around victim, not vice versa.

### **Gaps:**

- Doctors/medical institutions are not part of the network, deal only with medical condition, no holistic approach
- Data exchange is not well regulated, data protection requirements are not clear. Specialists do not exchange information because they are afraid to violate the law. In this regard, there is a good practise – data protection office released the guidelines for the cases of victims of trafficking.
- No guidelines for assessment of victim's needs
- Awareness about vulnerable groups depends on the person – no sensitivity training
- No common database for information exchange – a victim needs to repeat her or his story for each specialist.
- Many victims are not identified