

**DEVELOPMENT PLAN FOR REDUCING VIOLENCE  
FOR YEARS 2010-2014**

TALLINN 2010

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# Introduction

## Purpose of the development plan

The purpose of the development plan to be approved by the Government of the Republic is to reduce and prevent violence in its various forms. The development plan deals with violence related to minors, domestic violence and trafficking in human beings.

The types of violence and situations that endanger vulnerable target groups – women and children – the most and the risk factors of which are often related to each other (e.g. influence of violence on subsequent violent behaviour) are discussed.

Acts of violence include very different types and forms of violence (mental, physical, sexual). Any violence, including violence in the private sphere occurring often at home between people who are in close relations with each other, is prohibited. Crime statistics indicate that women fall victim to violence mainly at home and attacks against men are more frequent in the public space (Borodin et al., 2008).

Random violence in public places which often takes place between people who do not know each other has decreased significantly in Estonia as compared to 1990-ies; most contacts with violence take place either between acquaintances, relatives or family members. Violence between two people who are in a close relationship is not only a problem of an individual but a problem of the whole society. Besides the damage caused by violence to the victim and people close to the victim it has also social effects (e.g. the victim's capacity for work reduces and medical and social costs increase). The prevention and processing of crimes of violence alone costs up to 3,000,000 kroons depending on the crime<sup>1</sup>.

Violence is an extensive problem. Biological (special needs, behavioural disorders of persons), individual, social (coping of families, use of addictive substances, gender inequality), community-related and other factors have been mentioned in various theories as the risk factors of violence (Stevens et al, 2006). The role of media and the attitudes promoting violent solution of problems and favouring gender inequality cannot be underestimated. In Estonia, the different positions concerning the treatment of violence and the models for reducing violence have not been weighed up carefully yet. At the same time it is obvious that not a single factor is sufficient in itself for predicting whether someone becomes a violent person or a victim but the more risks are related with a person the bigger is the likelihood of abuse.

Based on international experience (WHO, 2004; National programme ..., 2006), it is recommended to use a comprehensive approach upon the development of the operating strategy against violence, not to focus strictly on the prevention of one type of violence, and to integrate prevention activities, identification of and provision of support to the victims and also rehabilitation of criminal offenders for that purpose. It is the obligation of the state to protect women and men against violence and threat of violence and to ensure through this that children grow in a safe and fear-free environment.

This development plan is prepared assuming that in order to reduce violence it is important to:

- prevent violence by changing people's values, dispositions and attitude to violence;
- reduce possibilities for the occurrence of situations facilitating violence;
- improve access of victims of violence to assisting and supporting services;
- ensure more efficient intervention of the criminal justice system in crimes of violence and thus reduce repetitive victimization and recidivism of criminal offenders.

The measures and activities of the development plan have been planned for the years 2010-2014. The measures and activities have been specified in the chapters of the development plan; the

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<sup>1</sup> Social costs accompanying criminal offences in 2008 according to the Ministry of Justice.

detailed description, indicators, term and persons responsible are presented in the implementing plan (Annex 2).

### Assessment of the efficiency of the development plan

The efficiency of the development plan shall be assessed on the basis of studies, statistics and international assessments.

#### 1) Studies:

- the study of delinquent behaviour among juveniles International Self-reported Delinquency Study (ISRSD)<sup>2</sup>, which provides an overview of juvenile delinquency and victimization of minors and the attitudes of young people to violence (e.g. tolerance with respect to the use of violence, the use of physical force ensures respect of the others);
- analysis of recidivism of the pupils of reform schools which provides an overview of the further contact with the legal system of pupils, who leave a school for students who need special treatment due to behavioural problems;
- victim studies which provide an overview of violence in couple relationships and attitude of the residents thereto;
- studies concerning trafficking in human beings which provide an overview of the spreading thereof, the reasons for victimization and the attitude of the residents thereto.

#### 2) Statistics:

- crime statistics concerning registered crimes of violence, the victims, processing thereof, the punishment practice and recidivism of abusers;
- statistics of juvenile committees concerning problem behaviour of the juveniles directed to the committees and the reasons for that, the sanctions imposed on juveniles and recidivism of the juveniles directed to the committees;
- other statistics, e.g. information concerning victim support and data of shelters concerning victims and assistance provided to them.

The abovementioned statistics shall be published together with analysis of the causes at least once a year.

#### 3) International assessments:

- TIP report<sup>3</sup> on combating trafficking in human beings;
- CEDAW report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women;
- UN assessment of implementation of the Convention on the Rights of the Child;
- other periodic reports and assessments of the European Union, Council of Europe and UN.

The following tables include a more detailed list of the indicators (together with the level in 2008/2009) which can be used upon the assessment of the development plan. It is also planned to use studies carried out during the period of the development plan for the assessment of the development plan.

#### Studies

Percentage of juniors who have committed an offence according to ISRSD	12%
Percentage of juniors who have fallen victim to robbery and extortion according to ISRSD	4%

<sup>2</sup> ISRSD is an international comparative study the purpose of which is to obtain an objective overview of behavioural disorders among juveniles and to explore relationships between various social factors and juvenile delinquent behaviour. Estonia participated in the ISRSD study for the first time in 2005/2006; the following international study is under preparation.

<sup>3</sup> The annual report *Trafficking in Persons* prepared by the Ministry of Foreign Affairs of the United States of America to the Congress which provides a general overview of the achievements of states upon combating trafficking in human beings.

<sup>4</sup> Convention on the Elimination of All Forms of Discrimination against Women. The last report concerning Estonia was submitted in 2005; the next reporting deadline is in 2012.

Percentage of juniors who have fallen victim to violence in school according to ISRD	24%
Number of persons who have fallen victim to violence in a couple relationship according to victim studies	10%

#### Statistics

Number of registered manslaughters and murders	95
Number of registered physical abuses	4518
Registered notices of domestic quarrels	2553*
Number of victims of domestic violence who have contacted a victim support employee	1312*
Percentage of victims of domestic violence who have contacted a victim support employee among persons who contacted victim support	33%*
Number of criminal offences committed by juveniles	2045
Number of juvenile criminals	1845
Percentage of juvenile criminals per 100,000 inhabitants	138
Percentage of persons who have been punished pursuant to criminal procedure in the age group of up to 17-year-olds <sup>5</sup>	14.3%
Number of juvenile prisoners (convicted offenders)	19
Percentage of juvenile prisoners in the prison population	0.7%
Number of juvenile probationers	348
Percentage of juveniles among probationers	4%
Commission of a criminal offence by persons who have left a reform school within two years after leaving a reform school (boys/girls) <sup>6</sup>	81% (95%/47%)
Number of criminal offences relating to trafficking in human beings	116

\* - data of 2008, in the case of other indicators data of 2009 are presented

#### Proceedings

Duration of pre-trial proceedings in the case of criminal offences committed by juveniles	3.7 months
Duration of pre-trial proceedings in the case of criminal offences against persons where the victim is a juvenile	6-14 months
Duration of judicial proceedings in matters concerning juveniles	4.1 months
Number of young people sent to juvenile committees	3486

#### Bases for the preparation of the development plan and relations with other strategic documents

The development plan is based on the Order No 422 of the Government of the Republic of 1 October 2009 concerning approval of the proposal for preparation of the development plan. The development plan is in compliance with Regulation No 302 of the Government of the Republic of 13 December 2005 "The types of strategic development plans, the procedure for their preparation, amendment, implementation and evaluation and the reporting procedure".

The development plan has been prepared pursuant to the priorities of combating crime agreed upon in the Laulasmaa Declaration between the Minister of Justice and the Minister of the Interior. Combating juvenile delinquency (including criminal offences committed by juveniles and with respect to juveniles) and organized crime (drugs related crime, trafficking in human beings, proceeds from crime and corruption crime) have been declared to be the priorities.

<sup>5</sup> Enquiry from the Punishment Register.

<sup>6</sup> Source: Rits 2009.

The Guidelines for Development of Criminal Policy until 2018<sup>7</sup> (hereinafter Guidelines for Development), which set out the principles for the development and long-term objectives of criminal policy, may be regarded as a broader framework instrument of the development plan. Prevention of juvenile delinquency, payment of enhanced attention to the prevention and responding to criminal offences relating to domestic violence and trafficking in human beings are the primary objectives set out in the Guidelines for Development.

The topics of juvenile delinquency and trafficking in human beings have been discussed in the following development plans approved by the Government of the Republic: "The Strategy to Guarantee the Rights of the Child 2004-2008"<sup>8</sup>, "Development Plan for Reduction of Juvenile Delinquency 2007-2009"<sup>9</sup>, "Development Plan for Combating Trafficking in Human Beings 2006-2009"<sup>10</sup> and the efficiency thereof has been analysed upon the preparation of the new plan. The topic of domestic violence has not been discussed thoroughly in Estonian strategic documents so far.

Violence is an extensive problem; the measures planned in various other strategies contribute also to reduction of violence:

- "Main Guidelines of Estonia's Security Policy until 2015"<sup>12</sup> (hereinafter "Main Guidelines") approved by the Riigikogu define the uniform principles and long-term objectives of the security policy and prescribe, *inter alia*, measures for increasing the security of the citizens and safety of the environment and for the implementation of more efficient security policy. For example, in order to reduce the number of criminal offences against persons, media campaigns are prescribed in the Main Guidelines for informing of the problems of violence in schools and in close relationships and for avoiding violence; in order to ensure increased security of the state it is important to ensure the ability of the state to identify reliably the persons staying in Estonia and to reduce the possibilities for entering Estonia or staying in Estonia illegally.
- Supporting of the development of each student and development of the expertise, skills, values and preparedness in the school system is discussed in the "Development Plan for the General Education System 2007-2013"<sup>13</sup> which prescribes, for example, updating of national curricula, noticing of children's special needs at an early age and prevention of drop-out from general education schools.
- The issues relating to the informing and consulting services for young people, the recreational activities, education and work education are discussed in the "Youth Work Strategy 2006-2013"<sup>14</sup>.
- "Teacher Education Strategy for 2009-2013"<sup>15</sup> handles the issues concerning in-service training of teachers of pre-school education, general education and vocational education systems.
- "Population Health Development Plan for 2008-2020"<sup>16</sup> sets out, *inter alia*, activities for the enhancement of social cohesion in the society, increasing equal opportunities, ensuring

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<sup>7</sup> Guidelines for Development of Criminal Policy until 2018. Draft legislation and explanatory memorandum thereof, see <http://www.just.ee/orb.aw/class=file/action=preview/id=48305/KRIMINAALPOLIITIKA+ARENGUSUUNAD+AASTANI+2018+SEL ETUSKIRI.pdf>

<sup>8</sup> Approved by the Government of the Republic on 16 October 2003.

<sup>9</sup> Approved by Order No 592 of 26 October 2006 of the Government of the Republic.

<sup>10</sup> Approved by Order No 63 of 30 January 2006 of the Government of the Republic.

<sup>11</sup> See final reports of the abovementioned development plans.

<sup>12</sup> Approved by resolution of 10 June 2008 of the Riigikogu.

<sup>13</sup> Approved by Order No 26 of 19 January 2007 of the Government of the Republic.

<sup>14</sup> Approved by Order No 380 of 6 July 2006 of the Government of the Republic.

<sup>15</sup> Approved by directive No 64 of 2 February 2009 of the Minister of Education and Research.

<sup>16</sup> Approved by Order No 325 of 17 July 2008 of the Government of the Republic.

healthy and safe development of children, development of a health-supporting environment and promotion of healthy lifestyles.

- Issues concerning the reduction of drug addiction are discussed in the "National Drug Addiction Prevention Strategy until 2012"<sup>17</sup>, which deals with both, drug demand (prevention, treatment, rehabilitation) and drug supply (activities of different law enforcement structures: the police, customs, border guard).
- "Estonian National Traffic Program 2003-20015"<sup>18</sup> prescribes organisation of national traffic safety campaigns, including campaigns for reducing drunk driving.
- "Action Plan for Economic Growth and Jobs 2008-2011"<sup>19</sup>, the objectives of which are, inter alia, increasing of the flexibility of the labour market and improvement of the quality of working life and improvement of the skills of the labour force, helps to ensure security in the issues concerning employment.
- The Ministry of Social Affairs plans to deal with the issues relating to ensuring children's rights, including the development of the child protection system and the services for children and families and improvement of the quality of life of families, in the "Development Plan of Children and Families for 2011-2016"<sup>20</sup>.

Besides the national strategies it is important to base the development of the field in question on international guidelines and recommendations. In 1991, Estonia acceded to the UN Convention on the Rights of the Child<sup>21</sup>, which provides for the right of the child for special protection and treatment and Estonia has signed the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography<sup>22</sup>. Estonia has transposed the Council Framework Decision on the standing of victims in criminal proceedings<sup>23</sup>, the Framework Decision of the European Union on combating trafficking in human beings<sup>24</sup>, in 2004 signed the protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against transnational organized crime<sup>25</sup>, in 2009 the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse<sup>26</sup> and in 2010 the Council of Europe Convention on Action against Trafficking in Human Beings<sup>27</sup>. The Council Convention on combating violence against women and domestic violence is currently under development. The Council of Europe prepares the corresponding instructional materials for the treatment of the topic of violence against children in national strategies. A more detailed list of international documents related to the development plan is presented in Annex 1.

## Preparation of the development plan

By directive No 137 of 28 October 2009 of the Ministry of Justice a working group was formed for the preparation of the development plan which included the representatives of the Ministry of Justice, Ministry of Education and Research, Ministry of the Interior, Ministry of Social Affairs and Ministry of Foreign Affairs and agencies within the area of government of the Ministries, local governments, universities and several non-profit associations. The preparation of the development plan was coordinated by the Criminal Statistics and Analysis Division of the Criminal

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<sup>17</sup> Approved by minute decision of 22 April 2004 of the Government of the Republic.

<sup>18</sup> Approved by the Riigikogu on 23 May 2003.

<sup>19</sup> Approved by Order No 426 of 9 October 2008 of the Government of the Republic.

<sup>20</sup> A proposal for the preparation of a development plan has been prepared for now.

<sup>21</sup> Approved by the Resolution of the Supreme Council of the Republic of Estonia of 26 September 1991.

<sup>22</sup> Estonia signed the Optional Protocol on 24 September 2003 and ratified it on 15 June 2004.

<sup>23</sup> Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings

<sup>24</sup> (2002/629/JHA) OJ L 203, 1.8.2002

<sup>25</sup> Published in the Riigi Teataja: <https://www.riigiteataja.ee/ert/act.jsp?id=733018>, binding on Estonia from 11 June 2004.

<sup>26</sup> Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opened for signature from 25.10.2007

<sup>27</sup> Council of Europe Convention on Action against Trafficking in Human Beings, opened for signature from 16 May 2005, Estonia signed it on 03 February 2010. Available at: <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>.



Policy Department of the Ministry of Justice. In order to map the most important problems, in the first stage discussions were carried out in four working subgroups, which were formed in accordance with the areas of the development plan: violence against children, juvenile violence, domestic violence and trafficking in human beings. After meetings in working subgroups and independent analysis of the members of the subgroups, problem descriptions were prepared on the basis of the current situation of the area, the studies and analysis of the strategies of other countries dealing with the problems of violence<sup>28</sup> and the problems raised by the partners involved and measures were specified for finding solutions to the problems.

In connection with the preparation of the development plan the Ministry of Justice participated in the project “Non-governmental organisations as equipotent partners upon planning and implementation of national decisions” conducted by Praxis and the Network of Estonian Non-profit Organisations (NENO). In the framework of the project NENO organised a forum of citizens on 7 November 2009 where people invited to participate by random selection discussed over the problems dealt with in the development plan and potential proposals for the solution thereof. The results of the forum were regarded as input in the analysis of the current situation of the development plan.

All the interested persons also had the possibility to make proposals concerning the preparation and content of the development plan through the weblog of the Ministry of Justice on combating violence or via the participation web.

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<sup>28</sup> The strategies of the following foreign states were analysed: Finland – Reducing Violence in Finland, Norway – Action Plan against Domestic Violence 2008-2011, England – Tackling Violence Action Plan, Germany – Second Action Plan of the Federal Government to Combat Violence against Women, Denmark – The Danish Government’s Action Plan to Stop Violence against Women.

## Implementation and cost of the development plan

### Implementation, monitoring of the implementation, amendment and termination of the development plan

Implementation of the development plan shall be coordinated by the Ministry of Justice. Cooperation between different sectors is important for the achievement of the objectives of the development plan upon the prevention and dealing with the consequences of violence. The Ministry of Education and Research, Ministry of the Interior, Ministry of Social Affairs, Ministry of Foreign Affairs together with the agencies within the area of their government, local governments, non-profit associations participate in the implementation of the development plan besides the Ministry of Justice. In addition, private undertakings and the general public as a whole shall be involved in combating violence.

In order to improve information exchange and cooperation between the organisations implementing the measures and activities of the development plan, cooperation networks shall be established by the topics discussed in the development plan: violence against children, juvenile violence and delinquency, domestic violence, trafficking in human beings. The cooperation network of agencies engaged in combating and preventing of trafficking in human beings operates since 2006; no analogous networks have been established in other areas of the development plan so far. The members of the networks will meet regularly in order to provide an overview of the development of the area and an input for the amendment of the development plan.

The implementation of the development plan shall be assessed every year in order to obtain an overview of the application of the activities planned in the development plan. For that purpose each relevant Ministry – the Ministry of Education and Research, Ministry of the Interior, Ministry of Social Affairs, Ministry of Foreign Affairs – shall prepare an annual summary concerning the implementation of the measures and activities in their area of responsibility and submit it to the Ministry of Justice by 1 February of each following year. The Ministry of Justice shall prepare a summary of the implementation of the measures and activities in its area of responsibility. On the basis of the submitted summaries a report concerning the implementation of the development plan shall be prepared under the coordination of the Ministry of Justice which shall, before submission to the Government of the Republic, be introduced also to the cooperation networks established within the framework of the development plan. A report on the implementation of the development plan shall be submitted to the Government of the Republic for approval not later than by March each year. The development plan and its implementing plan shall be reviewed and updated, if necessary, once a year before planning of the budget of the following year. Proposals for the amendment of the development plan and implementing plan shall be submitted to the Government of the Republic together with the annual report on the implementation of the development plan.

In order to prepare the final report on the implementation of the development plan, the abovementioned Ministries (Ministry of Education and Research, Ministry of the Interior, Ministry of Social Affairs, Ministry of Foreign Affairs) shall submit a summary of the implementation of the measures and activities in their area of responsibility during the whole period of the development plan to the Ministry of Justice not later than by 1 February 2015. The Ministry of Justice shall prepare a consolidated report and coordinate it with the relevant Ministries and the Government Office, discuss it with the cooperation networks and submit it to the Government of the Republic for approval not later than on 31 May 2015.

### Cost of the development plan

The financial resources set out in the implementing plan of the development plan are in compliance with the state budget strategy for 2010-2013 and the State Budget Act of 2010. The

expenses necessary for the implementation of the development plan shall be planned in the budget of the relevant Ministry. Not all the measures planned in the development plan presume direct additional costs (e.g. duties of the Ministries according to their work schedule) in which case no separate resources have been planned. Additional needs for resources shall be planned previously in the state budget strategy and European aid is an additional source for covering the costs.

According to the assessments, the operating expenses of the Ministries upon the implementation of the development plan in 2010-2014 are approximately 36 million kroons. The funds planned for 2011-2013 are indicative. In such case, e.g. if the exact amount has not been specified in the case of foreign funds, no decision concerning the funding volume has been made yet. These columns will be supplemented in the course of updating of the development plan in the following years.

Table 1. Need for additional expenses for 2010-2014 in order to implement the development plan

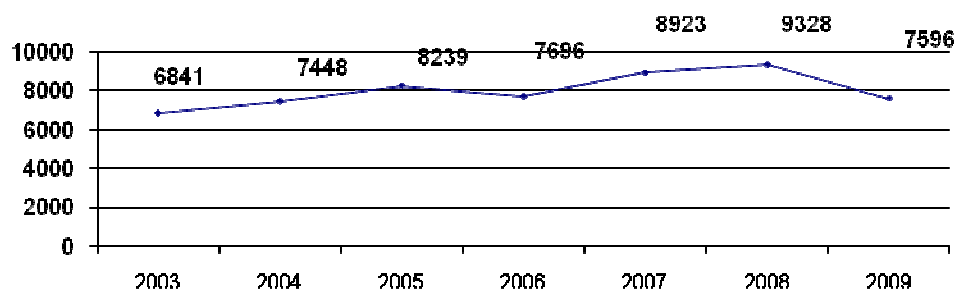
Objectives	2010	2011	2012	2013	2014	Total
Reduction and prevention of violence against children	1 000 000	1 450 000	1 300 000	1 300 000	1 300 000	6 350 000
Reduction and prevention of juvenile violence and delinquency	73 980			500 000	500 000	1 073 980
Reduction and prevention of domestic violence	165 000	3 534 305	3 134 305	3 134 305	3 134 305	13 102 220
Combating and prevention of trafficking in human beings	2 032 000	3 605 000	3 155 000	3 255 000	3 155 000	15 202 000
<b>Total</b>	3 270 980	8 589 305	7 589 305	8 189 305	8 089 305	35 728 200

## Short summary of crime of violence

In order to understand better the areas discussed in the development plan, a short overview concerning crimes of violence and falling victim to violence is provided below which is based on studies and national crime statistics. More specific descriptions of the situations in the areas are presented in separate chapters.

Falling victim to crimes of violence has decreased and general security of the inhabitants has increased in Estonia over the past years. According to victim studies 12 % of the population of 15-74-year-olds fell victim to crimes of violence in 1999 and 8 % in 2009 (Statistics Estonia 2010).

Crime statistics also indicate decrease of the number of registered crimes of violence. 7596 crimes of violence were registered in 2009 which is 19% less than in 2008, whereas both, the number of more frequently registered crimes of violence (physical abuse and aggravated breaches of public order) and the number of serious criminal offences against persons (manslaughter, murder, rape) decreased (Crime in Estonia, 2010).



**Figure 1.** Registered crimes of violence in 2003-2008

Although falling victim to crimes of violence has in general reduced to some extent, the number of crimes of violence is large as compared to the Nordic countries and there are several areas where more attention should be paid for reducing violence. For example, the percentage of criminal offences relating to juvenile violence has started to increase; according to the police the percentage increased almost twice from 2005 up to 2008 (Borodin et al, 2009).

### Violence endangers young people most

The results of victim studies indicate that young people are endangered most and the actual risk of falling victim to crime decreases with the increase of age. In 2009, the overall level of falling victim was 33% among 15-19-year-olds, the overall level of falling victim was the lowest (18%) among the respondents of the oldest age group (60 and more years of age). Young people may fall victim to crime at least partially due to their lifestyle and frequent visits to public places.

The studies carried out in Estonia indicate that physical, sexual and mental abuse is wide-spread among Estonian youths. According to one study, every third of 15-19-year-old school pupils has been a victim to mental violence and every fourth a victim to physical violence during the last twelve months (Ainsaar, 2004). 24% of schoolchildren, whereas 40% of 12-13-year old boys and 30% of 14-year-old girls have suffered from violence in school. Violence in school is significantly more wide-spread in Estonia as compared to the other Member States of the European Union. The percentage of Estonian children who have been bullied or threatened through the Internet by persons of their age is also higher (EU Kids Online, 2009).

200 sexual offences committed against children were registered in 2009, from among which 3/4 were sexual offences included in criminal offences against persons (rape, satisfaction of sexual desire), a little less than one fifth were pornography offences and one tenth were cases relating to sexual enticement of a child. In the case of rape and other criminal offences against sexual self-determination the biggest risk for a child is to fall victim to people close to him or her. In the case of pornography offences and sexual enticement, more and more criminal offences take place through the Internet and computers (Crime in Estonia, 2010).

Violence from which a person suffers in childhood has a permanent effect on the development of personality, the person's health, well-being and ability to cope (Soo et al, 2009). Studies indicate connection between violence experienced or witnessed in childhood and later violent behaviour and transfer of abuse as a learned type of conduct from one generation to another (Allaste & Vööbus, 2008). It becomes evident from the study concerning abuse of Estonian youth (Soo, 2004) that abused children have more problems at school, they may become aggressive and tend to behave delinquently and use drugs more often. Thus, it is possible to prevent juvenile problem behaviour and delinquency by reducing the possibilities to fall victim to violence in childhood.

Domestic violence tends to be recurrent; serious physical violence in close relationships endangers women most

The actual level of domestic violence is significantly higher than reflected in police statistics (see e.g. Eesti avatud ..., 2001; Pettai & Proos, 2003) For example, it was concluded based on the study carried out with the support of the Open Estonia Foundation that "41,000 women a year are injured due to violence, whereas life-threatening, serious injuries are caused to 7000 of them" (Pettai & Proos, 2003). Only one third of the women who have been injured due to violence seek medical help, whereas according to physicians, the reason for not seeking medical help is women's shame of what has happened – the victims do not want anyone to know about the violence they have suffered from (Kase & Pettai, 2003).

In 2009 a victim study was carried out in which the encounters of the people of Estonia with couple violence were examined. It was found in the study that fifty per cent of 15-74-year-olds had come into contact with violence at least once and one couple out of ten (95 000) had experienced violence in their relationship in a year. From among men 50,700 i.e. 11% and from among women 44,200 i.e. 8% experienced violence in a year (Statistics Estonia, 2010). In the case of more than fifty per cent of the women serious physical abuse was involved: a partner had punched, beaten, strangled, suffocated, burnt, attacked with a weapon or forced into a sexual intercourse. The number of men who had encountered serious violence in a couple relationship was smaller, which indicates that in a couple relationship men fall victim rather to minor violence and women to more serious violence (Paats, 2010). For example approximately one third of the women and 6% of the men fell victim to beating and strangling.

Domestic violence endangers also younger people foremost: the percentage of victims among up to 30-year-olds was twice as high as in the age group 30-49 and several times higher as compared to the age group 50+ (Salla, 2009). The fact whether a couple had children had a significant impact on the experience of violence: 7% of people in households without dependent children and 13-14% of households with children encountered violence (Paats, 2010).

Domestic violence is dangerous due to the fact that it is seldom a single event – violence becomes usually part of the normal behaviour for the attacker. Domestic violence in a family does not endanger only adults, but also children for whom encountering violence is dangerous even as a witness since this creates a pattern of behaviour where violence is accepted and which the child takes inevitably along from home. The people who have encountered domestic violence in childhood are very often victims to domestic violence again or abusers as adults.

In more serious cases domestic violence may cause loss of life . As in the case of other crimes of violence, in 2008 most of manslaughters and murders were committed by persons close to the victim (Crime in Estonia, 2009).

#### Impact of alcohol and over-engagement in work on the use of violence and victimisation

Consumption of alcohol and violent behaviour are connected with each other in several ways. According to the police, alcohol played a part in the case of at least fifty per cent of the cases of domestic violence which have reached the police. Alcohol may act as a demolisher of social standards causing socially unaccepted behaviour more easily, alcohol consumption may increase the probability of misunderstandings and quarrels between partners and influence them to solve a conflict by violence (Allaste and Vööbus, 2009; Totten 2001).

Alcohol abuse is most probably accompanied by aggressive behaviour of young people, the use of alcohol increases also the number of crimes of violence committed by juveniles in public places (Salla, 2010). The use of addictive substances (as well as being absent from school and coping with studies) has a significant impact on the problem behaviour of young people (Markina & Saar, 2009).

Victim studies indicate that the unemployed have a greater risk of falling victim to criminal offences related with violence. According to the victim study of 2004, the level of falling victim among the unemployed and persons who seek work was relatively high as compared to other social statuses.

#### Falling victim to trafficking in human beings endangers vulnerable target groups most

So far Estonia has been considered to be primarily a country of origin for trafficking in human beings, Finland and Sweden, however, the main countries of destination for victims from Estonia. While so far more has been spoken about the spread of prostitution in the context of trafficking, the number of cases where immigrants are transported illegally to the neighbouring countries through Estonia has increased.

116 criminal offences which may be related to trafficking in human beings were registered in 2009; this is 72 (39%) less than in 2008 (189 registered criminal offences). These cases are mainly related to mediation of prostitution where persons granted the use of premises for the provision of sexual favours or mediated sexual favours through phone or the Internet.

The spread of trafficking in human beings is affected by weak economic situation and unemployment which make people more helpless and put them at risk with respect to trafficking in human beings.

## OBJECTIVE 1: reduction and prevention of violence against children

According to the UN Convention, violence against children includes any physical or mental violence, injustice or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse committed against children. Violence here means both, violence between children and violence committed by adults.

The topic of child abuse has been discussed earlier in the “Strategy to Guarantee the Rights of the Child 2008”<sup>29</sup>, in the final report of which it was found that although much progress was made toward the prevention of abuse of children, the previous activities of the state have not been sufficient and systematic (Tikerpuu & Reinomägi, 2009).

In 2009, the Estonian specialists who work with children came most frequently into contact with victims of bullying in schools (in a little more than one third of the cases), secondly with neglected children or children without parental care and thirdly with mentally abused children. The specialists encountered a smaller number of victims of sexual abuse or trafficking in human beings which may be due to the fact that it is difficult to notice and identify these types of abuse and/or they occur more seldom (Soo et al, 2009).

This development plan focuses primarily on the following topics concerning violence against children: bullying in schools in its various forms, violence in child care institutions, abuse of children in the Internet, sexual criminal offences against children and on how to ensure that these problems are identified as early as possible and support is provided to children who have fallen victim to violence.

### Bullying in schools

#### **Children relate violence mainly to school. Each fourth child has experienced bullying in school.**

It became evident from a study where children’s interpretations of violence were assessed that children relate violence most of all with school. Children mention violence experienced at home, in the streets and other public places or through media only in passing. Children relate violence primarily with physical violence. However, the children’s replies confirmed also that mental violence is widely spread in Estonian schools and that teachers do not respond adequately to signs of mental violence (Strömpl et al, 2007). It became evident from the same study that violence at school is related to several factors, including homes, teachers, the education system and the society in a wider sense.

According to pupils, 24% of them have experienced violence in school, the experiences of bullying decrease as age increases. Estonian boys have fallen victim to bullying more often than Estonian girls; pupils’ gender differences are revealed also in assessments of violence, girls condemn each type of violence significantly more than boys (Strömpl et al, 2007). Bullying in schools occurs somewhat more often in Estonia as compared to other foreign countries (Tamm, 2008; Markina & Saar, 2010).

Also, bullying of pupils by teachers occurs in Estonia and people have begun to talk more and more often about violence of pupils against teachers. According to one study, during the year preceding the questionnaire 20% of the teachers had fallen victim to violence from among whom 14% had been threatened, called names and made fun of in school. There are big differences

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<sup>29</sup> Approved by the Government of the Republic on 16 October 2003.

between schools, e.g. from among 67 schools examined there were 24 where no teacher from among the respondents had experienced violence (Eesti kool ..., 2007)

Police has been notified of the cases of violence in schools more frequently during the last years (Borodin et al, 2009). It became evident from the analysis of the Ministry of Justice that cases of juvenile violence are registered unevenly in Estonia and only single cases are reported to the police. At the same time there are no common criteria concerning the fact in which cases a school should involve the police and in which cases it is not necessary. Therefore it may happen that the same kind of a fight in one area of Estonia may end for a 14-year old child with a conversation with a class teacher, in another area, however, with criminal proceedings lasting several months. The same analysis indicated that members of the staff of schools perceive the spread of the problem of violence differently: headmasters considered the problem to be smaller than the psychologists and social workers and primarily as the problem of other schools (Salla, 2010).

The reasons and potential consequences of bullying in schools have been studied in Estonia, but so far no adequate attention has been paid on various measures for the reduction of bullying in schools and the efficiency thereof. No systematic work is carried out in schools for the prevention of bullying in schools due to inadequate skills of the teachers and their reticence to notice and deal with the cases of bullying and also due to lack of support staff (Turvalise kooli ..., 2007).

In order to deal with the problems of bullying in schools, in 2009 the Ministry of Education and Research developed the program "Safe School 2009-2011"<sup>30</sup> in which safety in schools is discussed in connection with the following areas: fire safety, health protection, bullying, use of media, traffic education and compulsory school attendance. The activities of the program were planned in 2009 mainly for the development of instructional materials for schools, e.g. for directing pupils' behaviour and acting in a crisis. In addition, the amendments to be added to the draft Basic Schools and Upper Secondary Schools Act in order to guarantee safety of the school environment, e.g. the obligation of schools to prepare an emergency response plan and the possibilities to use sanctions for directing the behaviour of pupils, were prepared (Turvalise kooli ..., 2009).

#### Necessary measures and activities

1. measure	Prevention of bullying in schools
Activities	
1.1.	Amendment and implementation of the safe school program <sup>31</sup> .
1.2.	Repeating of studies concerning juvenile delinquent behaviour.
Impact of measure 1: safety has increased in schools and pupils fall victim to bullying less frequently as compared to 2006. Schools have started to engage more actively in the reduction of bullying in schools by teaching the pupils social skills and how to settle disagreements in a peaceful way.	

#### Violence in child care institutions

##### **Violence is often hidden in child care institutions, there is no exact overview thereof.**

More than 1000 children stay in child care institutions (reform schools, children's homes, shelters) each year. Some studies have indicated that violence may be rather wide-spread in child care institutions, but it is hidden and there is no exact overview thereof. For example, during the last five or six years, the Tartu Child Support Centre has dealt with some twenty or thirty children who have sexually abused another child, from among whom approximately fifty per cent stayed in a social welfare institution or an educational institution with boarding school facilities. The general experiences of and attitudes to abuse of children residing in children's homes, shelters

<sup>30</sup> For details see <http://www.hm.ee/index.php?0510736>

<sup>31</sup> Approved by directive No 405 of 26 May 2009 of the Minister of Education and Research.



and reform schools have been studied more and it has been found that they have had significantly more contacts with violence in their past life than the youths of ordinary schools (Soo, 2005). The studies of other countries have shown that disabled children are at a higher risk of falling victim to violence, whereas the risk is higher in case of children with intellectual disabilities than in case of children with physical disabilities (Lapsepõlv, puue ..., 2004).

The analysis of crime statistics (Salla, 2010) indicates that 15 cases of violence were registered in five children's homes in 2008, slightly more than fifty per cent of the cases of violence were committed in one children's home. These were cases of physical violence: beating, putting a cigarette out in the palm of another pupil's hand, etc.) While most of these events took place between the pupils of a children's home, in two cases teachers were attacked. The cases in youth centres and other child care institutions concerned fights between the youths. Experts have also drawn attention to possible abuse of children by the employees of youth institutions, but there is no detailed overview of the problems. It can be presumed that since these are closed institutions, the cases are usually not reported outside.

It became evident from the study concerning assessment of the use of sanctions in reform schools carried out in 2008 (Salla & Tamm, 2008) that violence in reform schools is hidden and that the school staff become aware of few cases, it is difficult to resolve the cases of violence because pupils do not report on violence. The pupils of reform schools do not regard what is usually considered to be violent behaviour as violence. The boys of reform schools perceive violence as a standard and the limits of behaviour permitted between them are wider. Similar attitude is reflected from the responses of the reform school staff: they consider violent behaviour to be normal in case of pupils of reform schools. Often the staff do not intervene with the relations between pupils; in order to maintain order they manipulate with the pupils' relations or intervene inadequately. For example, there have been cases where violence receives a response, but the victim is ignored or even accused.

In child care institutions there is no clear system how to act in the event of the cases of violence and what to do in order to support the victim and with respect to the abuser. According to the Council of Europe Recommendation<sup>32</sup> on the treatment of children in social welfare institutions, it is necessary to develop guidelines and action plans in child care institutions for resolving cases of possible abuse and to organise systematic supervision over the implementation thereof.

The provision of sexual education to children at school is considered to be important in order to prevent sexual abuse. It is welcome that health education in a more general sense, including sexual education and drug education have been integrated in the new basic school and upper secondary school curricula. The Implementing Plan of the Development Plan of Population Health for 2009-2011 also prescribes activities for the improvement of awareness in the field of sexual health.

#### Necessary measures and activities

2. measure	Prevention of violence in child care institutions
Activities	
2.1.	Analysis of the problems of violence of children staying in social welfare institutions or boarding schools
2.2.	Preparation of instructional materials for the staff of social welfare institutions or boarding schools
2.3.	Implementation of programs for the prevention of and intervention with violence in child

<sup>32</sup> Recommendation (5) (2005) on the specific rights of children living in residential institutions and, inter alia, the right to non-degrading treatment and non-violent upbringing, including the protection against corporal punishment and all forms of abuse, see [http://www.coe.int/t/dg3/familypolicy/Source/Recommendation%20\(2005\)5\\_Estonian.pdf](http://www.coe.int/t/dg3/familypolicy/Source/Recommendation%20(2005)5_Estonian.pdf)

care institutions and boarding schools
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Impact of measure 2: there is a clearer overview of violence encountered in child care institutions and boarding schools, the staff can respond to it adequately and the children have better social skills and knowledge of how to solve problems.
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## Falling victim to violence via the Internet

**The awareness of both, children and parents, of the risks of using the Internet is relatively low. Many specialists are rather unfamiliar with the topic of risks hidden in the Internet.**

Estonian children are at the top of the list among European countries as for the use of the Internet (in Estonia 93%, in the European Union the average of 75% of 6-17-year-old children use the Internet); Estonian children are at the top with regard to experiencing the risks relating to the Internet. For example, from among 6-14-year-old Estonian children 31% (15-20% on the average in EU) have encountered teasing, calling somebody names and bullying; 13% of 11-14-year old Estonian children (9% on the average in EU) have actually gone out with strangers met in chat rooms (EU Kids Online ..., 2009).

Studies (e.g. Eurobarometer, 2008) have indicated that Estonian parents have little control over the use of the Internet by their children and they are rather careless about the network risks concerning their children. For example, only fifty per cent of Estonian parents (74% on the average in EU) talk often to their child about what their child does in the on-line environment. 33% of Estonian parents are concerned about the possibility that their child is being bullied in the Internet (in EU as a whole the indicator is 54%). 39% of Estonian parents (the average of 60% of the parents in EU) are either very concerned or concerned that their child may fall victim to sexual abuse in the Internet. Only 29% of Estonian parents (the average of 49% of the parents in EU) have set restrictions to visiting certain websites.

Many specialists who work with children are rather unfamiliar with the risks hidden in the Internet and they cannot recognise the signs of Internet harassment or they have not recognised the need to deal with Internet violence yet (Soo et al, 2009).

In order to improve Internet safety for children, trainings have been organised for children, parents, teachers, the use of the Internet by children has been studied and instructional materials for safe conduct in the Internet have been prepared. In 2008, the network of Internet safety for children, which unites the specialists and organisations engaged in this topic, was summoned under the auspices of the Ministry of Social Affairs. For the purposes of ensuring awareness in the field of the Internet and preventing the spread of materials with illegal content and other harmful activities in the Internet, a project was prepared in 2009 which was coordinated by the Estonian Union for Child Welfare in order to accede to the Safer Internet Program of the European Commission.

### Necessary measures and activities

3. measure	Better protection of children against violence committed via the Internet
Activities	
3.1. Implementation of the Internet safety program	
Impact of measure 3: awareness in the field of the Internet has improved, possibilities for consultation on the prevention of Internet risks are more available and direct access has been	

<sup>33</sup> See also <http://lapsnetis.eesti.ee/>

<sup>34</sup> See [http://www.sm.ee/fileadmin/meedia/Dokumendid/Sotsiaalvaldkond/lapsed/LL\\_projekt.pdf](http://www.sm.ee/fileadmin/meedia/Dokumendid/Sotsiaalvaldkond/lapsed/LL_projekt.pdf)

created for informing the police of materials with illegal content spreading in the Internet.

## Sexual offences against children

### **The restrictions related to working with children are not sufficient.**

In 2007 restrictions concerning working with children were established in order to prevent persons who have been convicted of sexual offences from working in positions which have contact with children. The prohibition to work in the areas relating to children concerns the persons who have, for example, been punished for enslaving a minor, offences against sexual self-determination of a minor, offences relating to prostitution of a minor or pornography offences. In order to ensure observance of the restrictions, an obligation is provided for employers to verify from the punishment register whether the person to be employed has been punished for sexual offences and a punishment for misdemeanour is prescribed for cases where an employer hires a person for work or service related with children if such a person should not be hired due to the corresponding restrictions. At present the abovementioned restriction does not cover all the persons convicted of sexual offences, e.g. persons who have been convicted of sexual enticement of a minor. Also, the restriction does not cover all the employees of social welfare institutions, which offer social services for children (Tamm, 2009), and support persons used as volunteers, whose assistance for supporting children is used more and more.

Quite a lot has been spoken in public about the restrictions relating to working with children; information concerning the restrictions has been collected also on the web site "Tark mees taskus"<sup>35</sup>. It has become evident on the basis of the articles published in the press that the awareness of the employers of the established restrictions and of the obligation to verify whether a person has been punished for sexual offences before hiring the person for a position related to children is relatively low. The legal representative of a child has the right to obtain information from the punishment register concerning the punishment of another person for sexual offences if the legal representative has a legitimate interest therefor in order to protect the child. The data of the punishment register of 2009<sup>36</sup> indicated that parents have not made such inquiries almost at all.

### **There are no treatment possibilities for reducing recidivism of sex offenders**

In order to prevent sexual offences, more strict punishments were established in 2006 for sexual offences committed against children. The amendments, which enable courts to apply detention after service of the sentence and supervision of conduct after service of the sentence, entered into force in 2009. In order to protect children against sexual abuse in the Internet, amendments to the Penal Code, which make entry into agreements for meeting a child for sexual purposes punishable and increase the maximum rate of the sanction for sexual enticement of a child, were passed by the Riigikogu and proclaimed by the President of the Republic.

Several treatment methods are more and more widely used in other countries (the Nordic countries and the USA) for reducing recidivism of sexual offenders. International studies indicate that cognitive behavioural programs and treatment with medicaments combined with psychiatric intervention have yielded the best results in the treatment of sexual offenders. In Estonia there is no outpatient treatment system for convicted sexual offenders organised by the state. Since 2007 a rehabilitation program for sexual offenders has been provided in the prison system; there is, however, no sufficient number of authorities implementing the program, the program is not provided systematically in prison and probation supervision and the program is not supported by psychiatric counselling or medicaments (Tamm, 2009).

Also, minors with sexually delinquent behaviour, who should be dealt with primarily outside the punishment system, do not have possibilities to receive support. According to specialists, it shall

<sup>35</sup> See [http://tarkmeestaskus.just.ee/laste\\_kaitsmine\\_seksuaalkurjategijate\\_eest](http://tarkmeestaskus.just.ee/laste_kaitsmine_seksuaalkurjategijate_eest)

<sup>36</sup> Response of the punishment register to information request.

be taken into account in case of young people that earlier falling victim to sexual abuse, neglect, conduct disorders, maladjustment, special educational needs, insufficient knowledge of sexual health and behaviour etc. may be the reasons for abuse.

Necessary measures and activities

4. measure	Better protection of children against sexual offences
Activities	
4.1.	Systematizing legal regulation of restrictions related to working with children
4.2.	Supervision of observance of the restrictions related to working with children and assessment of the efficiency thereof
4.3.	Establishment of the treatment system for adult and minor sexual offenders
4.4.	Development of a more efficient system for supervision over sexual offenders
Impact of measure 4: there are fewer possibilities that persons with background unsuitable for working with children are employed in such positions; the rehabilitation possibilities created for abusers, including young people, help to prevent new sexual offences.	

Early identification of children who have fallen victim to crime and possibilities for receiving support

**Awareness of the obligation to notify of a child who is in need of support or abused is inadequate and the provisions which regulate it are ambiguous.**

Abused children are often not reported to a child protection official. According to one study not only bystanders from the street but also specialists working with children fail to report on children in need of support (approximately 2/3 of the respondents had failed to report on an abused child for some reason). School and kindergarten teachers have failed to submit information most often, the same kind of attitude could be noticed also among child protection officials (Soo et al, 2009). It has also become evident that information concerning children who are in need of support or abused is often not forwarded from the medical system (e.g. family physicians) to child protection officials.

The reason for failure to report on an abused child is mainly uncertainty and unawareness of the respondent. For example, persons doubted whether a problem is serious enough to be reported, who is the right person to be informed, how to inform and whether they have the right to intervene at all (e.g. myths spread among child protection officials and teachers that home visits and provision of information to the relevant authorities are prohibited by law). Borderline acts, in the case of which it is difficult to say whether it is an abuse or not, cause uncertainty in specialists and thus a person may choose not to intervene (Soo et al, 2009).

At the beginning of 2009 the national child helpline service was launched which number is 116 111 so that people could report on children in need of support very easily and quickly by remaining anonymous, if necessary. Several trainings have been organised to specialists working with children (juvenile police officers, social workers, child protection officials, health care professionals, teachers, psychologists, etc.) over the past few years, but their training is neither consistent nor systematic (Tikerpuu & Reinomägi, 2009). In the analysis of the impact of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Analysis of the impact ..., 2008) it was found that it is necessary to examine whether the topics of children's rights and sexual abuse are reflected appropriately in the curricula of the specialities preparing specialists working with children (social workers, child protection officials, health care professionals, teachers, directors of extracurricular activities, police officials, etc.).

**The services necessary for supporting child victims are not available all over Estonia.**

The current victim support system is complicated from the point of view of the victim. The network of services necessary for a victim (excluding the victim support service) has been developed unevenly in Estonia. Legal aid and professional psychological support are difficult to access. (Guidelines for Development of Criminal Policy ..., 2009)

The possibilities established for supporting abused (including sexually abused) children are better in bigger cities: Tallinn, Tartu and Pärnu. Such possibilities are not guaranteed for all the children who have fallen victim to violence all over Estonia; there is also no clear financial plan for financing such a service. For example, it has not been agreed clearly which services and to which extent shall be paid by the state, the local government or the family. According to specialists, there have been problems where counselling has been offered for a child victim but the local government is not ready to pay for the services provided for children in its area.

Studies have shown that supporting of abused children is aggravated by inadequate communication between the specialists, lack of finances and poor access to services. Intervention is impeded also by insufficient knowledge of Acts and the erroneous perceptions relating to it which are especially apparent among teachers, e.g. an erroneous perception that provision of information concerning an abused child or visiting his or her home is prohibited by law (Soo et al, 2009). No network of specialists has been established for dealing with the problem of sexual abuse of children (Antšak, 2004). In practice there have been problems with organising protection of a child in case of suspected sexual violence.

Taking into account that Estonia is small, it is worth considering developing a support and rehabilitation system for children who have fallen victim to violence; such a system should be uniformly coordinated by the state. The different needs of boys and girls shall be taken into account in the activities for the prevention of and intervention in violence against children.

**Processing of the cases of abuse of children is not sufficiently child-friendly and expedited.**

It is difficult to investigate the cases of violence committed against children. According to the police, it is especially difficult to trace out abuse which has taken place at home. Since it is not spoken of in public and children seldom admit to the police that they have been abused, these cases often remain within the family (Kask, 2009).

Expedited proceedings are required in order to process the cases of child abuse and to avoid secondary victimization of victims and specialised bodies shall conduct proceedings in such matters. Specialisation for processing of criminal matters related to minors is fully guaranteed in the prosecutor's office; from 1 April 2008 officials dealing with minors have also been appointed in the law enforcement police and the criminal police and since 2010 child protection services are being developed in police prefectures. There is less specialisation on the processing of criminal matters relating to minors in the court system, the specialisation is ensured in Tallinn and Tartu.

In criminal offences against a child the child victim may often be the only witness of the crime and his or her statements are the main evidence upon bringing charges. In a study concerning interrogation of minors it became evident that it is not considered to be necessary to involve specialists in the interrogation of a minor, there is also no uniform understanding, which role a specialist should fulfil upon interrogation of a minor. This problem should be partially resolved by the draft Code of Criminal Procedure Amendment Act (599 SE) according to which the obligation of the preliminary investigator to involve a specialist is set out as an option of the preliminary investigator and, in order to prevent repeated interrogation of a minor, it is provided that if it is planned to use the interrogation as evidence in court proceedings, a vide recording shall be made of the interrogation of the minor (Kask, 2009).

At present there are special interview rooms intended for children, which help a child to recall of what took place faster in a more stressless way, which traumatise a child less and which are supplied with video interview equipment, only in some areas (Tallinn, Tartu and Pärnu). (*ibid.*)

## Necessary measures and activities

5. measure	Development of the possibilities for supporting children who have fallen victim to crimes of violence
Activities	
	5.1. Specification of the obligation to report on a child in need of support
	5.2. Provision of the child helpline service
	5.3. Preparation and implementation of an in-service training program for specialists working with children
	5.4. Development of the national support system for child victims
	Impact of measure 5: all the specialists working with children are uniformly informed of the ways of reporting on a child in need of support and the ways of intervention and of the persons who shall be informed and who are the possible cooperation partners - this way the uncertainty of the specialists upon reporting on an abused child (including in the case of suspicion of sexual abuse) will decrease. Provision of support to child victims has become more systematic and it helps to prevent a victim becoming an abuser.
6. measure	Improvement of the investigation of cases of violence against children
Activities	
	6.1. Establishment of child protection services, which are specialised in child abuse matters, in the police prefectures
	6.2. Launching of the virtual police project
	6.3. Monitoring of the terms for the proceedings of criminal offences against persons with child victims
	6.4. Creation of child-friendly interrogation possibilities
	6.5. Regular training of bodies conducting proceedings of offences who deal with minors
	6.5. Updating instructions for treatment of children and preparation of various methodological materials for the performance of acts (including interrogations) related to processing of offences concerning children
	Impact of measure 6: identification of the cases of violence against children is improved and the duration of pre-trial proceedings thereof shortens; the treatment of child victims in criminal proceedings is more child-friendly.

## OBJECTIVE 2: reduction and prevention of juvenile violence and delinquency

The studies of other states indicate that juvenile violence is mainly expressed with respect to another juvenile, it occurs more often in schools and in connection with leisure activities (Stevens, 2006). Also, by analysing juvenile crime of violence registered in Estonia, it becomes evident that violence against juveniles is mainly used by persons of their age and by acquaintances and juvenile violence is seldom directed against strangers. Juveniles use violence most often in the street and in other public places; a little more than every third case of violence took place either in school or in another child care institution. Settling of quarrels by violence which is typical of juveniles refers to the fact that young people do not know how to communicate or make themselves understandable without causing damage to others. It also indicates tolerance of young people toward the use of violence.

The behavioural problems of boys and girls are expressed in a somewhat different manner. Studies indicate that gender is a factor which clearly influences the commission of offences: boys are more likely to commit a criminal offence and violence belongs more to boys' culture.

According to specialists, the problem behaviour of juveniles often derives from strenuous relationships at school or at home (Eesti kool ..., 2007), is often connected with risk behaviour, such as use of addictive substances, compulsory school attendance and other factors (Markina & Šahverdov-Žarkovski, 2007) and also earlier experience of abuse (Soo, 2005).

The topics which were introduced in the Development Plan for Reducing Juvenile Delinquency for Years 2007-2009 continue at least partially in the current development plan. The main attention is, however, paid to the following problems relating to juvenile violence: inadequate community-based targeted measures for children at risk, insufficient parental responsibility, juvenile risk behaviour (alcohol consumption primarily) and inefficient response to juvenile delinquency.

### Community-based and family-centered targeted measures for children at risk

#### **There is no clear system for community-based<sup>37</sup> targeted measures for children at risk.**

Several trainings have been organised to specialists for early identification of the problems of the juveniles but there is no clear system for early identification of the problems of children. The needs of a family and children in a risk group remain often unidentified in due time and the ability and readiness of local governments to deal individually with children at risk is low.

This problem concerns also young people leaving a child care institution or custodial institution who do not have sufficient support of people close to them in order to cope in practice and who need a separate support system for that.

#### **Parenting skills are inadequate**

The direct control of the parents, the relations between the parents and their relations with their child, not insomuch the fact whether a child lives in a broken or unbroken family, play an important role in the case of juvenile delinquency. The bigger and more violent a conflict between parents becomes, the bigger is the risk of juvenile delinquency, especially among boys. The absence or presence of the father does not have a direct impact on the commission of offences, this influences, however, juvenile problem behaviour (being absent from school, use of alcohol and drugs). Parents' interest in the doings of a minor has an important effect on the behaviour of

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<sup>37</sup> In this development plan community means primarily the local government, community-based activities includes the members of the community in addition to the experts.

the minor: if parents and other family members are aware where and with whom their child goes out, the risk of commission of offences decreases considerably

It has been noticed in the case of parents of children who have been sent to juvenile committees that the parents have no time to deal with and pay attention to their children which in its turn is caused by over-engagement in work, incapability to cope socially, negative attitude to adolescent problems, absence of social skills, ignorance in the issues of education and unawareness of the possibilities to receive support (Rannala, Tiko & Rohtla, 2006).

**There are insufficient possibilities for influencing parents**

It has been pointed out in several studies (Tiko, Rannala, & Rohtla, 2006; MEIS, 2006; National Audit Office of Estonia, 2007) and in media that there are no adequate possibilities for influencing parents upon failure to perform parental obligations. This issue was also discussed in the Crime Prevention Council in 2009 and it was found that the parenting skills of parents shall be developed through trainings instead of imposition of fines on parents.

Although parental education has been developed actively over the past few years, there are few measures directed at the parents of risk groups (children not performing the obligation to attend school, juvenile offenders). This may be due to uneven availability of such a service and absence of a clear system how to involve such parents or direct them to various programs.

The practice of juvenile committees upon involving parents in settling their child’s problems is also different. Although there are some good examples, the committees, however, do not support parents knowingly. Thus, it is necessary that if a child is sent to a juvenile committee, the parents would also be supported and assisted so that in future they could settle problems themselves.

Necessary measures and activities

7. measure	Community-based and family-centered assistance and support for children at risk
Activities	
7.1.	Development and implementation of the model of early identification and intervention in local governments
7.2.	Increasing parental responsibility
7.3.	Preparation of intensive community-based intervention program for juveniles
7.4.	Implementation of the system of support persons in local governments for minors and youths released from prison
Impact of measure 7: the ability of local governments to organise crime prevention increases, the application of the early identification model increases in local governments. The programs directed at the parents of children with problem behaviour are used more often. Juveniles with serious conduct disorders can be influenced in the community and it is not necessary to send them to a reform school any more.	

Juvenile risk behaviour

**Use of alcohol by juveniles is connected with delinquency**

Studies indicate that juvenile risk behaviour is closely connected with delinquency relating to alcohol, drug use and non-performance of the obligation to attend school. The last two problems are not discussed separately in detail in this development plan, the topic of juvenile drug addiction is covered in the National Strategy for Prevention of Drug Addiction 2007-2013<sup>38</sup> and

<sup>38</sup> The strategy was approved at the meeting of 3 February 2003 of the Ministerial Committee on Drug Policy established by Order No 463-k of 14 May 1996 of the Government of the Republic.

<sup>39</sup> Approved by Order No 26 of 19 January 2007 of the Government of the Republic.



the topic of compulsory school attendance in the Development Plan for General Education System 2007-2013<sup>39</sup>.

It became evident from the study of juvenile delinquent behaviour that 87% of pupils of years 7-9 have used alcohol during their life, 45% during the last month. Drinking of low-alcohol beverages occurs among boys already at the age of 10-11, among girls at the age of 11-12. 17% of the respondents had used drugs at least once in their life, 5% of them had used drugs in the last month (Markina & Šahverdov-Žarkovski, 2007).

People who have started to use alcohol regularly as teenagers have a higher risk of both, risk behaviour hazardous to health as adults and alcohol abuse. Alcohol is directly related to the three most frequent causes of death of young people: traffic accidents, unintentional injuries and manslaughter. Most of children do not get drunk from strong alcoholic beverages but from low-alcohol beverages (beer, cider, mixed beverages) which the children themselves do not consider to be alcohol according to the studies (Allaste, 2008).

Juvenile offenders consider negative impact of companions and friends, use of alcohol, problems with studying and broken family to be the main causes of offences. **Altogether 75% of the young people who have been to juvenile committees consider use of alcohol to be an important cause of problem behaviour (Rannala et al, 2006).**

Connections with school also influence juvenile delinquency. Violent behaviour occurs more seldom in case of boys who have stronger connections with school. It also became evident that serious offences, violent behaviour and offences in general occur more often in the case of juveniles who are often absent from school. Having to repeat school years is connected with problem behaviour only in the case of boys.

Necessary measures and activities

8. measure	Reduction of drinking of alcohol by young people
Activities	
8.1.	Performance of prevention activities concerning the adverse impact of alcohol
8.2.	Development of more efficient control measures for prohibition on sale of alcohol to minors
8.3.	Participation in the international comparative study "Effective Strategies for the Prevention of Underage Drinking in Europe"
8.4.	Organisation of trainings concerning the adverse impact of alcohol and the risks arising from drunk driving to young convicted offenders
8.5.	Development of the concept of treatment and rehabilitation of young people who have alcohol problems
Impact of measure 8: Minors violate the Alcohol Act less, sale of alcohol to minors decreases and an overview is obtained of the efficient possibilities to intervene in alcohol drinking.	

## Responding to juvenile delinquency

### **The quality of juvenile committees and the availability of sanctions are uneven**

Juvenile committees play an important role in the prevention of juvenile delinquency and in responding to it, since they deal with the problems corresponding to offence characteristics of up to 14-year-old minors. In addition, it is possible to terminate proceedings in respect of a minor who has committed an offence at the age of 14-17 and send the materials to the juvenile committee.

It is decided in the committee of residence of the minor, the application of which sanction would be the most efficient: in 2009 the committees confined to a warning in 41% of the cases,

community service was imposed in 20% of the cases and 22% of the juveniles were referred to a specialist for consultation (Estonian Youth Work Centre, 2009).

The use of sanctions is uneven due to regional differences and different availability of support services; in similar cases in different regions of Estonia different sanctions are imposed on minors. There are also problems with the substantive development of sanctions as services.

### **Juvenile committees respond to juvenile offences too late**

The terms of the process of hearings and imposition of sanctions in the case of juvenile offences in the juvenile committees are not monitored, which is why there is no overview thereof. It has been pointed out in a study carried out in 2006 that the term from an offence committed by a minor until the matter is submitted to the committee and a concrete sanction is imposed and applied is illicitly long in juvenile committees. Although a juvenile offence matter shall be heard within thirty days according to the Juvenile Sanctions Act, the study indicated that in practice the hearing lasted more than 30 days in the case of most applicants. According to the information entered in the Estonian Education Information System, the hearings lasted on the average less than thirty days in seven counties, the term provided for in the Act was not observed in other counties. (Guidelines for Development of Criminal Policy ..., 2009; Alaealiste komisjonide ..., 2009)

### **No adequate individual attention to a child is ensured in juvenile committees**

For secretaries of the committees it has turned out to be difficult to combine the role of the supervisor of imposition of sanctions and the role of the case manager. There is a problem that very often the minors who have been sent either to a specialist for consultation or to receive a rehabilitation service do not go to the service provider or visit the specialist irregularly. The situation would improve if the committee appointed a concrete support person for a child who observes and assists a minor also upon the use of the sanction imposed on him or her.

### **Recidivism of pupils of reform schools is high**

Reform schools are characterised by a wide spread of violations of order and behavioural problems, disregard of the individual needs and problems of pupils and excessive focus on discipline and order; the sanctions in reform schools do not yield in desired results and correction of the conduct of pupils is neither consistent nor efficient (Salla & Tamm, 2008). 81% of pupils of reform school have committed an offence during studies in the reform school or within two years after leaving the reform school. 74% committed an offence (one person committed, on average, 4 offences) and 51% committed a criminal offence (one criminal offence per pupil on average) (Rits, 2009).

In order to develop activities relating to juvenile committees and reform schools, the Ministry of Education and Research prepared conceptual bases for reform schools<sup>40</sup> in 2006, which defined the objectives of reform schools, principles of schooling and education (e.g. taking account of the individual needs of pupils, the principles of network operation and group home) and requirements for the infrastructure. In 2009 an action plan was prepared for supporting the ability of youths to cope.

Necessary measures and activities

9. measure	Responding to juvenile delinquency more efficiently
Activities	

<sup>40</sup> Approved by directive No 1570 of 19 December 2008 of the Minister of Education and Research.

9.1. Implementation of the action plan for supporting the ability of the youths to cope <sup>41</sup> in order to prevent problem behaviour of the youths
9.2. Regular monitoring of the terms for processing in juvenile committees
9.3. Assessment of the practice of juvenile committees
9.4. Development of the database of juvenile committees
9.5. Establishment of a system of support persons in juvenile committees
9.6. Assessment of recidivism of pupils who have left a reform school
9.7. Regular monitoring of the terms of pre-trial-proceedings in criminal matters related to juvenile perpetrators
Impact of measure 9: coordination of the activity of juvenile committees has improved, there is more individual work with children, conciliation and other active sanctions are used more often. Proceedings of juvenile delinquency in committees and pre-trial proceedings are more expedited, which helps to reduce future offences committed by young people and reduces the potential adverse effects to minors arising from proceedings.

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<sup>41</sup> "Activity plan for supporting the ability of youths to cope, including for the prevention and reduction of juvenile delinquency in the area of government of the Ministry of Education and Research in 2009-2011" was approved by directive No 708 of 6 August 2009 of the Minister of Education and Research. The activities described in the activity plan are directed at youths with behavioural disorders in ordinary schools, youths sent to a juvenile committee, youths studying in reform schools, their parents and the specialists working with them.

## OBJECTIVE 3: reduction and prevention of domestic violence (including violence against women)

In Estonia talking about domestic violence in public has become an agenda during the last 10-15 years. For years this topic was regarded to be a taboo or domestic matter in which persons or agencies outside the family should not intervene. Gradually it has been understood in Estonia that domestic violence is not only a matter between the victim and the abuser but it requires intervention of the state.

Domestic violence has a broad meaning, which includes cases in home and couple relationships in addition to family relationships. In the case of domestic violence, the abuser and victim are from one and the same family, violence is usually used between family members or between a family member and a close relative. The most widely spread types of domestic violence are abuse between spouses, cohabitants, children, grandparents or siblings. If a child witnesses violence between adults at home or any other place, it is also considered to be violence.

Violence in family relationships is often divided into two. The first one is impulsive aggressive conduct arising from an unsolved conflict or emotional stress (the so-called family row). Here the men and women are divided into abusers and victims relatively equally. The other type is violence based mainly on patriarchal understandings and asymmetrical gender roles founded on the establishment of power and control over the partner by using psychologically, physically and/or sexually aggressive behaviour for that. The abovementioned violence is systematic, escalating over time and causes serious consequences for the victim. In the case of this type, the abusers are mainly men and the victims are women. The intensity of violence experienced by women is higher and the consequences are more serious (Kimmel, 2002).

Several conclusions may be reached upon looking for the cause of domestic violence and they depend largely on the school a person is representing. Domestic violence should not and cannot be regarded equal to violence against women. On the one hand the cause of domestic violence may lie in the family system as such. It has been pointed out that the risk of violence between such persons is increased or decreased by the time spent together with the family members, emotional closeness, conflicts between personal desires and family needs and relative control of one family member over other family members. Low income, unemployment and big number of children in a family are also considered to be risk factors (Allaste & Võõbus, 2008). The theoretical approaches based on gender specifics point out that violence is caused by attitudes favouring violent settlement of situations, domination and gender inequality, and also by inadequate skills to solve problems (Kimmel, 2002; Johnson, 2008). Feminists have reached the same conclusion and they stress, among other, that the relevant roles are not congenital or functional, but socially constructed by establishing and preserving men's power both, in a family and in the society. They add that domestic violence is not only a personal, but also a social and political problem. (ibid.)

Regardless of the fact that the majority of the victims are women, the studies indicate that children and men may also be the victims and women may be the abusers (Kimmel, 2001). The results of an observation-based study of domestic violence carried out in the USA already in 1975 indicated that beating and light violence (e.g. a slap) are more or less equally widespread among men and women. Donald Dutton (2006) points out that although women's violence is often shown as self-defence or a less serious phenomenon, women are actually as violent as men. Therefore he claims that aggressiveness must not be related to gender, but it should be analysed on the basis of certain qualities of character or deviations. Palin-Davies (2006) found also that violence depends on the type of personality, growing environment and social environment. Although women are usually not depicted as violent in public discussions and those who catch attention with their

violence are referred to as exceptions, it is important to keep in mind that disregarding men as victims and women as attackers causes damage to both genders (Allaste & Vööbus, 2008).

In order to reduce domestic violence, this development plan focuses on the preventive action and provision of information directed at the general public and the risk groups, support and protection of victims of domestic violence and dealing with domestic abusers. Since domestic violence has been studied little in Estonia so far, the preventive action intended for risk groups depends on the results of the studies to be carried out.

## Prevention of domestic violence

### **The population's awareness of domestic violence is low**

People often keep what is going on at home only to themselves and do not tell about it even to people close to them, which may leave a misleading impression that domestic violence is not a wide-spread phenomenon. The victims and abusers are always ready to explain the situation rationally for themselves. Violent people often justify and reduce the consequences and seriousness of an act and victims of long-term violence do the same. In order to deal with the problem efficiently, there shall be cooperation between all the parties in the local and national level.

People's low awareness and inability to identify domestic violence are considered to be the reasons for difference between the actual spread of domestic violence and the statistics. The general statistics concerning contact with violence indicates that domestic violence occurs equally among people with different levels of education and work and among Estonians and non-Estonians. The whole society shall be informed of domestic violence since it concerns approximately one fifth of the population.

### **Preventive action and provision of information shall be partially based on the risk groups**

Although domestic violence occurs in families with different incomes, employment status and number of children, certain factors may be specified on the basis of the current practice which have been related to a higher risk of becoming victim of domestic violence. Therefore separate measures have been prescribed in this development plan for preventive action in risk groups. Since at present there is no clear unanimity concerning the fact which groups are most endangered by domestic violence, further activities shall depend greatly on the results of the planned studies.

Women with small children who are financially dependent on their partners are considered to be most at risk from violence. Violence between two adults and violence used by a parent against a child shall be studied separately. A child is dependent on an adult and thus can be manipulated more and is more vulnerable. A child cannot, due to his or her immaturity, assess the behaviour of his or her parent or protect him or herself against mental, physical or sexual assault. Similarly with children, attention should be paid to elderly people with respect to whom violence is often used (locking up into a room, neglect, leaving to starve or in the cold, mental abuse).

Attention must be definitely paid on increasing unemployment which may be considered to be an additional risk factor and which may increase the number of conflict situations. At the same time this attention should not hinder readiness of victims from well-off families to request for support. The connection of alcoholism with domestic violence has also been mentioned as an important factor.

## Necessary measures and activities

10. measure	Prevention of domestic violence
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Activities	
10.1.	Increasing legal awareness and provision of information concerning domestic violence
10.2.	Provision of information concerning domestic violence to risk groups
Impact of measure 10: awareness of risk groups concerning domestic violence increases thanks to dissemination of information. The attitude of the society towards domestic violence becomes less tolerant and domestic violence is not seen as a natural part of family life any more.	

## Supporting of victims of domestic violence

### **Studies of domestic violence and systematised statistics are required**

Domestic violence occurs presumably more often than indicated by official statistics. For efficient preventive action and responding to cases of domestic violence which have already taken place, it is important to understand the essence, causes and scope of the problem. For this purposes studies and analysis of this field shall be carried out and statistics shall be systematised. More detailed information on the development and scope of the problems in this field allows to make better policy decisions, increase the efficiency of informing the target groups and the services provided to the victims, respond to abusers in the right way and prevent new cases of domestic violence. Both, information collected in Estonia and the experience of other countries upon analysing the problems relating to domestic violence and later implementation of the conclusions made in the course of the analysis in practice are important.

### **The parties dealing with the victims of domestic violence need better preparation**

Domestic violence is a sensitive topic, which is why it is important that the persons who deal with the victims thereof and the abusers would be professionals who can respond to the problems quickly and correctly. Therefore the curricula of certain specialities, including teachers, youth workers, social workers, health care professionals, police officers, psychologists, could cover domestic violence. This would help to change the attitude to domestic violence, get rid of myths and preconceptions concerning violence in close relationships which have developed through years. It is also important to prepare instructional materials which would set out unambiguously the role of different specialists, including citizenship and immigration, Border Guard and child protection officials, in identification and providing support to victims of domestic violence, whereas attention should be paid to the ways of cooperation in these issues. At present there are no strictly defined cooperation agreements and rules of procedure in this area.

International practice indicates that the countries, where the police has been able to develop a special system for collection of information concerning cases of domestic violence, has supplemented it consistently with new data, has organised in-depth analysis, etc, have succeeded in the prevention of serious cases of violence and decreasing considerably the number of domestic manslaughters (Pettai & Proos, 2003). A situation, where the state is unable to combat domestic violence and support the victims in time is hazardous, since sickness days, health damage, becoming disabled and lost lives is the price to be paid for violence and also children, who grow up in an environment of fear and terror, suffer (Kütt, 2008).

### **Victims of domestic violence need all reliable support**

The needs of victims of domestic violence can be divided into five: the need for security, emotional, economic needs, the need for information and advice and legal assistance and judicial protection. In order to ensure these needs, ensuring security by the police in a crisis situation, medical care, psychological and legal counselling, the existence of shelter and support group services and economic support are required. Supporting law, understanding attitude of the society, professional conduct of officials, availability of information and awareness of one's rights are also important (Lutt, 2007). Domestic violence is seldom a single event, persons often fall victim repeatedly. Therefore it is important that places be established where to turn to for assistance.

In 2005, national victim support service was launched for victims of violence: 26 victim support workers are employed all over Estonia who provide emotional support, information on the possibilities to receive support to victims of violence and who instruct how to communicate with organisations. Victims in all the counties have the possibility to contact a victim support worker even if the criminal offence has not been registered in the police. Non-profit associations provide consulting services in parallel to the national victim support service. In Estonia there are nine shelters which provide support to victims who have suffered from violence in a close relationship; in addition to that there are two shelters in Estonia which provide support to pregnant women and women with children.

From among the persons who contact shelters due to domestic violence approximately fifty per cent are adults and fifty per cent are children and youths. From among all the persons who contact shelters approximately 80% are women and 20% are men, from whom about one third are minors. A majority of the persons who turn to shelters go there together with children. Both, women and men have most often set out mental and physical violence as the cause for contacting a shelter.

The main problem at present is that most of the services to victims of domestic violence are provided by non-profit associations (victim support, support groups, shelters) which are financed based on projects (Lutt, 2007). However, this is an area, engagement in which requires consistency and sustainability due to its nature, which is why financing thereof should not depend only on writing projects. It is also important to pay attention to the fact that the availability and quality of services differs geographically. Bigger cities are covered with the services better than small rural municipalities or villages. Support shall be available to all the persons in need of support.

#### Necessary measures and activities

11. measure	Development of the possibilities to support victims of domestic violence
Activities	
11.1.	Regular mapping of the scope and nature of domestic violence
11.2.	Development of the rules of procedure for identification and supporting of victims of domestic violence
11.3.	Analysis and development of the services provided to the victims of domestic violence
11.4.	Analysis of the programs of basic training of specialists working with victims of domestic violence and abusers
11.5.	Training of specialists having contact with the victims and abusers
Impact of measure 11: availability of information has improved as a result of organised studies and systematised statistics, this helps to improve development of the policy and respond to the problems arising in the area more quickly. Provision of support to victims of domestic violence is more systematic and helps the victims to break through the cycle of violence.	

#### Investigation of cases of domestic violence and work with the abusers

##### **A restraining order does not ensure sufficient protection of the victims of domestic violence**

Since the middle of 2006 restraining order may be imposed in criminal proceedings with respect to the suspects and the accused in criminal offences against persons and against minors. At least 46 restraining orders were imposed with respect to 40 persons until the end of 2009. A decision concerning a temporary restraining order is made rather quickly, in a couple of days. As a rule, a restraining order prohibits a suspect to stay in the place of residence of the victim, communicate with the victim by using telecommunications (fixed phone, mobile phone, the Internet) and approach up to speaking distance. A restraining order has mostly been imposed in the case of

physical abuse and threat. In practice problems have most often arisen if the parties to the restraining order are joint owners of a housing or if a restraining order imposed for the protection of a child prevents one parent from performing the obligation to raise a child.

Victims' awareness of a restraining order is often low and the expectations to the results of a restraining order do not correspond to the actual possibilities. Victims waive their consent for imposition of a restraining order out of sympathy with respect to their partner, due to reconciliation with the partner, social or economic factors and sometimes due to fear. There are no security measures for guaranteeing a restraining order in order to protect victims from the potential violence of the person on whom a restraining order is imposed (Tammiste & Tamm, 2009). It is important to improve provision of information concerning the possibilities of a restraining order to victims and instructional materials shall be prepared which would support the victim and facilitate application for and enforcement of a restraining order.

**Rehabilitation of abusers is not consistent**

In addition to the abovementioned, one of the causes for spread of domestic violence is the fact that little is dealt with the abusers, which is necessary in order to alter their behaviour and keep them from committing new acts of violence. In the practice of several countries support groups have been established as one measure against domestic violence the aim of which is to prevent new cases of violence. In Estonia this area is underdeveloped yet. This method was applied in Estonia for the first time in 2006, when two rehabilitation and support groups were established for violent men, one in the Estonian the other in Russian language. A person referred to anger management treatment is instructed, questioned in the course of group work and his motivation is discussed. 70-80% of the persons who have completed the program as volunteers and 20-30% of the persons referred by the court change their behaviour (ERR, 2006).

Action should be taken with respect abusers both, in prison and outside the punishment system. In prison it is important to connect the topic of domestic violence with usual re-socialisation provided to prisoners before release in cooperation with the probation system. Outside the punishment system the network of support groups shall be extended by Estonian and Russian groups in various places in Estonia.

Necessary measures and activities

12. measure	Increasing the efficiency of investigation of cases of domestic violence and protection of victims
Activities	
	12.1. Analysis of the application of conciliation proceedings
	12.2. Systematisation of regulations concerning restraining orders
	12.3. Analysis of the need to restrict the right of custody of violent parents
	Impact of measure 12: identification of the cases of domestic violence is improved and the processing thereof becomes more professional; in criminal proceedings sufficient protection is ensured to victims of domestic violence; special attention is paid to children who have contact with domestic violence in order to save them from falling into a circle of violence.
13. measure	Rehabilitation and work with abusers
Activities	
	13.1. Implementation of rehabilitation programs for abusers
	Impact of measure 13: recidivism of abusers and the number of repetitive cases decrease, the attitude towards the use of violence becomes more condemnatory.



## OBJECTIVE 4: combating and prevention of trafficking in human beings

Trafficking in human beings means violation of basic human rights and human dignity by exploitation of persons in the form of sexual exploitation, forced labour, recruitment or harbouring, slavery or practices similar to slavery or forced removal of an organ. Exploitation is accompanied by cruel treatment, abuse and deceit of socially vulnerable persons and use of violence, threat, debt bondage or various forms of coercion.

According to the UN, in 2009 the most wide-spread type of trafficking in human beings in the world was sexual exploitation which was followed by forced labour (UNODC, 2009b). The European Union more broadly, including Estonia, are continuously concerned about the situation of unaccompanied children since an unaccompanied minor is a potential victim of trafficking in human beings who shall be assisted.

According to the report prepared for the Congress by the Ministry of Foreign Affairs of the United States of America (TIP, 2009), Estonia does not comply fully with the minimum standards of combating trafficking in human beings, but it makes considerable efforts to achieve the compliance. Such an assessment is, to an important extent, influenced by absence of the provisions of trafficking in human beings from the Estonian Penal Code. According to the EUROPOL report of 2008, the efficiency of handling of the problems of trafficking in human beings has improved in Europe. In Estonia, like in the rest of the European countries, it is continuously important to improve the efficiency of identification of the victims both, in international and domestic cases.

"The Development Plan for Combating Trafficking in Human Beings 2006-2009" focussed mainly on the topic of sexual exploitation, which is why the activities directed at the reduction of forced labour, prevention of smuggling of illegal immigrants and improvement of the efficiency of checking crossing of the border by an unaccompanied and trafficked minors receded into the background. More importance has been attached to these topics in this development plan.

### Prevention of trafficking in human beings

#### **The awareness of young people of the risks relating to trafficking in human beings is low**

Although various preventive actions have been carried out in Estonia in the field of trafficking in human beings for years already and various informational materials have been developed and distributed, it cannot be claimed on the basis of studies that the awareness has improved much (see e.g. Pajumets, 2003; Socio ..., 2007)<sup>42</sup> Notification campaigns and informational materials have been provided for both, specific target groups (young people, women) and for the general public in order to inform people of trafficking in human beings as a problem and of the possibilities to receive support and to produce response with respect to problems relating to it in Estonia. Thus, much has been contributed to explaining trafficking in human beings as a phenomenon, but little has been analysed what impact the informing has had on the target groups.

By comparing the interviews with secondary-school pupils made in 2002 and 2007, some improvements can be seen in the promotion of awareness of the problem of trafficking in human beings, but young people still do not see potential risks in it.

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<sup>42</sup> The studies are available at the address: <http://www.sm.ee/tegevus/sooline-vordoiguslikkus/inimkaubandus-ja-prostitutsioon/uuringud.html>.

Within the framework of this development plan it is planned to systematise the preventive actions and provision of information more on the basis of the work carried out within the framework of the previous development plan. Potential target groups shall be specified for provision of information. The officials who have contact with potential victims of trafficking in human beings (e.g. embassies, immigration officials), pupils and students at the age of 14-26, who are most likely to go to study and work abroad from among the inhabitants of Estonia, are the main target groups.

In order to improve the awareness of the general public, the national curriculum has been developed so far, but no contributions have been made in the training of teachers. Now it is planned to provide training to teachers of social science and at the same time information concerning trafficking in human beings in educational literature is updated currently.

Necessary measures and activities

14. measure	Prevention of trafficking in human beings
Activities	
14.1.	Provision of information on trafficking in human beings to the general public and risk groups (especially young people, girls)
	Impact of measure 14: people's awareness of trafficking in human beings is improved, especially in the potential risk groups, e.g. among young people and people going to work abroad). The use of helpline for victims of trafficking in human beings has increased and a bigger number of people have received support.

## Exploitation of labour force

### **No sufficient attention has been paid on exploitation of labour force**

It is more difficult to identify trafficking in human beings and labour exploitation for the purposes of forced labour than sexual exploitation. This is to a great extent due to the absence of legal regulations, the fact that forced labour is even more hidden than sexual exploitation and that there is no comprehensive awareness of the nature of the problem among the population (UNODC, 2009b).

The present economic crisis and absence of employment possibilities motivates the potential victims of trafficking to look for possibilities in other countries. Estonian law enforcement agencies do not have an overview of the Estonians who have gone to work abroad and have fallen victim to deceit and exploitation. The non-profit association Living For Tomorrow Hotline provides support for victims of trafficking in human beings and advises persons who wish to study and work abroad safely. It appears from the calls made to the hotline that in the current economic situation advice is often asked in connection with search for work. The callers seek mainly the work of unskilled labour but there are also many people for whom it does not matter which work to do and under which conditions to work. Thus it is important to educate people, especially young people entering the labour market and to explain them what should be taken into account upon going to work abroad, how to communicate with a recruitment company, etc. One of the target groups is young people, who should be informed more actively since they do not cognize the potential risks relating to trafficking in human beings, e.g. the possibility to fall victim of forced labour or sexual exploitation upon travelling or in connection with studies (Pajumets, 2003; Socio ..., 2007).

Labour market organisations (including the Labour Inspectorate, the Estonian Chamber of Commerce and Industry, the Estonian Employers' Confederation, the Estonian Unemployment Insurance Fund) have not participated sufficiently in the prevention of labour exploitation so far and they have not received adequate information concerning forced labour for the purposes of

trafficking in human beings. At the same time it has not been discussed what could the role of labour market organisations be in the prevention of trafficking in human beings. Few dialogues have been held with the employers on the topics of trafficking in human beings and thus, in order to raise the issue of labour exploitation, the efficiency of cooperation shall be improved and first of all education and training shall be provided to the employers in order to prevent potential cases of forced labour and working under forced working conditions. Officials of the Citizenship and Migration Board have pointed out the need for a more strict control in order to inspect the working conditions of the labour force who have immigrated to Estonia.

In 2011, analysis of the occurrence of forced labour and the identification of the victims thereof will be completed in cooperation with the University of Tartu, HEUNI<sup>43</sup> and the University of Warsaw and on the basis of it provision of information primarily to the relevant specialists and authorities (bodies conducting proceedings, social workers, non-profit associations) will be organised.

#### Necessary measures and activities

15. measure	Prevention and identification of exploitation of labour force
Activities	
15.1.	Mapping the scope of forced labour
15.2.	Improvement of the efficiency of cooperation with labour market organisations
15.3.	Exercising supervision over the working conditions of foreign workers in Estonia
Impact of measure 15: the scope and spread of forced labour in Estonia has been mapped and on the basis of it preventive actions can be planned, cases of forced labour can be identified and processed. The labour market organisations are trained and educated in order to prevent potential cases of forced labour and working under forced working conditions.	

#### Supporting of victims of trafficking in human beings

##### **Support of victims is not financed continuously**

In Estonia two shelters and a rehabilitation centre have been established, which have specialised in dealing with victims of trafficking in human beings and where support has been provided to more than 400 women since 2006; in 2009 support was provided to 78 women who had had contact with trafficking in human beings. The employees of the shelters have completed special training and a description of the services offered to female victims trafficked for the purposes of sexual exploitation has been prepared. Thus, a rehabilitation program intended for the victims of trafficking in human beings exists and is in use, but the program has not been assessed so far. The program used is intended for female victims, since there has been no actual need to provide the service to male victims, and also for victims of trafficking in human beings from third countries who have the right for reflection period. It is important to assess the program and start to develop it so that the victims of trafficking in human beings could receive appropriate advice, information and psychological support. The importance of supporting and development of the protection of victims is also stressed in the Council of Europe Convention on Action against Trafficking in Human Beings and the EU Framework Decision on Combating Trafficking in Human Beings.

So far the shelters have received support from the lead project of the Nordic and Baltic countries, and upon termination thereof from the appropriations for social protection from the Ministry of Social Affairs. State funding of shelters is project-based and granted for one year, but supporting victims is an area, engagement in which presumes consistency and sustainability due to its nature, which is why the funding should not depend only on writing projects.

<sup>43</sup> The European Institute for Crime Prevention and Control, affiliated with the United Nations

In order to provide support to victims of trafficking in human beings, it is first and foremost necessary to develop cooperation agreements concerning the provision of basic assistance and after the provision of basic assistance also with local governments, who should take supporting of victims over from non-profit association after the victims have received specific rehabilitation.

**The statistics concerning victims of trafficking in human beings is insufficient and few studies have been carried out**

The statistics concerning criminal offences relating to trafficking in human beings does not reflect adequately the situation in trafficking in human beings. In Estonia, trafficking in human beings as a separate element of criminal offence is not punishable, which is why the statistical overviews of the cases of trafficking in human beings are insufficient and sometimes international cooperation both, upon the processing of specific cases and in the framework or general cooperation is complicated. The problem will be solved soon: based on the analysis made in 2009 (Kuznetsova & Tammiste, 2009) it has been decided that a draft for amendment of the Penal Code will be submitted to the Government in 2010 in order to include trafficking in human beings as a punishable element of a criminal offence.

It is also important to organise and systematise collection of information concerning the use of the shelter service, since at present non-profit associations providing support services have an overview of the victims of trafficking in human beings (mainly sexually exploited women), but the format of the collection of information (which characteristics shall be recorded) and the manner of presentation are uneven (Guidelines for Development of Criminal Policy..., 2009).

The shelters and the non-profit associations engaged in rehabilitation of victims of trafficking in human beings have collected information for themselves concerning the characteristics of women who have fallen victim of a criminal offence relating to trafficking in human beings (slavery, aiding prostitution, etc.) and women who have been punished for the same offences and women on probation (often they are criminal offenders and victims at the same time), on the basis of which it can be said that these women have similar personal characteristics (e.g. inability to understand the social context and human relations and to assess the quality of human relations). Thus, in order to improve the quality of dealing with victims, it is necessary to ascertain their profile. Therefore it is planned to organise a more comprehensive study of women who have suffered sexually and have gone to the shelters, which would focus on the examination of the psychological, social and economical vulnerability of women and concentrate on personality and aspects relating to the development of a personality and personal history which have been decisive upon becoming a victim of sexual exploitation.

More detailed information concerning the development of the field and scope of the problems allows to make better policy decisions, improve the efficiency of the services provided to victims, improve processing of the cases and prevent new cases of trafficking in human beings.

**There are no instructions or cooperation agreements between authorities for identifying and providing support to unaccompanied and trafficked children**

An unaccompanied minor is a potential victim of trafficking in human beings to whom assistance shall be provided keeping in mind the risk of falling victim to trafficking. In Estonia, there are no separate instructions for identifying and providing assistance to unaccompanied children; the existing Acts and instructional materials do not set out sufficiently clearly the role of the parties (e.g. citizenship and immigration, Border Guard and child protection officials), there are no cooperation agreements and rules of procedure. Various reports have pointed out the same deficiencies with regard to other countries (Weyler, 2008).

Special attention is paid to minors upon crossing the external border of the European Union<sup>44</sup> and this topic was discussed in the previous development plan for combating trafficking in human beings. Good cooperation has been achieved with the Working Group for Cooperation on Children at Risk of the Council of the Baltic Sea States with whom active cooperation is carried out in the matters concerning crossing of the border by minors, but the questions, how to verify whether the parents whose children cross the border are aware of it, whether their notarised consent for crossing the border is required, etc. have not been solved. Different authorities have attempted to specify in discussions the possibilities to improve the efficiency of checking crossing of the border by minors, but no uniform solution models have been reached, which is why the corresponding analysis is required. The optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography stresses the need to protect especially children from trafficking, sexual and economic exploitation, participation in prostitution and child pornography. The Council of Europe Convention on Action against Trafficking in Human Beings stresses the need for child-sensitive approach.

#### Necessary measures and activities

16. measure	Development of the possibilities to support victims of trafficking in human beings
Activities	
	16.1. Assessment of the needs of the victims of trafficking in human beings and women involved in prostitution
	16.2. Provision of shelter and rehabilitation services to women involved in prostitution and trafficked women
	16.3. Assessment of the efficiency of the rehabilitation program for the victims of trafficking in human beings
	16.4. Notification of the citizens, including victims, in Estonia and in Missions of Estonia to foreign states of the consular services and the possibilities to receive consular assistance.
	16.5. Collection of information from shelters concerning the victims and provision of services to them.
	16.6. Identification of and provision of support to unaccompanied minors and trafficked children
	Impact of measure 16: the victims of trafficking in human beings have received assistance and support, the rehabilitation program intended for victims has been assessed and the collection of information on victims has been systematised. Identification of and provision of support to unaccompanied minors and trafficked children has improved. A better overview of the victims of criminal offences relating to trafficking in human beings enables to specify the extent of trafficking in human beings in the society and to assess the effect of the rehabilitation activity and to provide guidelines for future.

#### Investigation of cases of trafficking in human beings and training of specialists

**Upon dealing with cases of trafficking in human beings it is necessary to determine the role of different authorities in casework more clearly and to improve internal and cross-border information exchange**

Since trafficking in human beings is mostly a cross-border criminal offence, it is important to improve the efficiency of cooperation upon the processing of cases and participation in cooperation networks, professional seminars and trainings. The significance of international cooperation is stressed also in several framework documents (Council of Europe Convention, EU Framework Decision, etc.) on combating and prevention of trafficking in human beings. For the purposes of the improvement of the work of joint study groups a case-based teamwork project COPSAT has been initiated in cooperation with the Swedes, which involves specialists from among

<sup>44</sup> Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings; Council decision of 30 November 2009.

bodies conducting proceedings, social workers and the relevant citizens' associations providing assistance and analyses the work carried out with the victims case by case (including questioning of the victims, provision of assistance to them as early as possible). In the course of the cooperation project a manual of methods of operation of the study groups shall be developed.

For the purposes of national cooperation, guidelines for identification of victims of trafficking in human beings have been prepared, which describe the general victim identification indicators and give advice for initial identification. The specifications of the types of trafficking in human beings have been viewed separately and the principles of questioning a potential victim and the structure of interrogation have been described. However, the guidelines do not include specific rules of procedure (what to do and where to send a person in the event of a suspicion of a case, who has which role in the casework, liability, obligations), not even separately with regard to minors. In the interests of better and faster processing of cases of trafficking in human beings and provision of support to victims as quickly as possible it is planned to prepare the required rules of procedure and supplement the existing guidelines for identification of and provision of assistance to victims.

Illegal transportation of aliens, e.g. Afghans, Syrians and Palestinians, across the state border of the Republic of Estonia, in order to transport them through Estonia to the Nordic countries, has become more frequent in 2009 as compared to the previous years. It may be presumed that such cases become even more frequent. Therefore, in order to prevent illegal entry, it is important to develop cooperation between the authorities who process criminal offences committed on the state border and whose main functions are related to criminal offences committed in the course of organised crime and processing of international criminal offences (e.g. to involve international investigation teams).

### **The parties dealing with victims of trafficking in human beings need better preparation**

Trafficking in human beings is a sensitive subject which presumes high professionalism and good training, which is why enhanced attention shall be paid to the training of the relevant specialists, e.g. police officers, border guards, social workers and child protection officials (e.g. the basic curricula could include treatment of the topic of trafficking in human beings and more specifically dealing with victims as either an elective or optional subject).

Since 2006 trainings have been provided and lectures have been delivered on the basis of the previous development plan more than planned which indicates the need for the providers of training in the area of trafficking in human beings. Although trainings are carried out and lectures are delivered, there is no overview of the persons who provide trainings and of what they offer. In the framework of this development plan it is planned to collect information concerning potential training providers, training programs, choice of topics into one database. Together with mapping of the training providers, uniform bases shall be established for the content of the trainings, thus, it shall be agreed between the potential parties who order trainings and training providers what should be included in information training, case-based teamwork training and the training of new training providers shall be planned accordingly. More non-profit associations (e.g. Lifeline, Atoll Centre, Living For Tomorrow, Tartu Child Support Centre, Estonian Women's Shelters Union, etc.) than before should provide trainings. So far many information trainings have been provided by state officials besides non-profit associations, but they should not be training providers but parties who order trainings.

Within the framework of the national development plan for combating trafficking in human beings several in-service trainings were organised for different target groups besides the information trainings. However, it has not been possible to provide in-service training in the required scope to all the target groups who need it (e.g. prosecutors and judges have received less training than social workers) and this activity should be continued. Thus, efforts are made so that in the whole chain of proceedings the specialists dealing with cases of trafficking in human beings

would have common understanding of the problem of trafficking in human beings, including identification of victims, the need and possibilities for referring to receive professional assistance and specifications of the procedure.

The prerequisite for successful processing of cases of trafficking in human beings is awareness of different types of criminal offences related to trafficking in human beings, the rapid changes taking place in this area, etc.

Necessary measures and activities

17. measure	Increasing the efficiency of investigation of cases of trafficking in human beings
Activities	
	17.1. Improving the efficiency of international cooperation in the field of trafficking in human beings
	17.2. Amendment of the guidelines for the identification of and provision of support to victims of trafficking in human beings
	17.3. Analysis of the program of the basic training of specialists having contact with the victims of trafficking in human beings
	17.4. Provision of in-service training to specialists having contact with victims of trafficking in human beings
	17.5. Preparation of the training program on human trafficking, provision of training to new training providers, establishment of the database of training providers
	17.6. Analysis of law concerning purchase of sexual services
	Impact of measure 17: the relevant specialists have received training, the specifics of dealing with victims has been taken into account in their professional training and the bodies who conduct proceedings have received psychological training in increased scope. The cases of trafficking in human beings are processed professionally since the rules of procedure of casework have been defined, i.e. the obligations and responsibilities have been divided between the relevant specialists and the roles of cooperation partners have been determined. Training activities in the field of trafficking in human beings are systematised.

## Definitions used in the development plan

**Physical violence** – an intentional act or neglect which causes physical pain, injuries to or death of a person.

**Trafficking in human beings** – in the development plan the definition of trafficking in human beings is used as defined in article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime:

- a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, forced labour or services, slavery or practices similar to slavery or the removal of organs;
- b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d) "Child" shall mean any person under eighteen years of age.

**Corporal punishment** – a type of violence defined as any punishment in which physical force is used and intended to cause some degree of suffering or pain to a child, however light.<sup>45</sup>

**Bullying** – systematic abuse of power expressed in repeated aggressive behaviour with the intention to cause pain and sufferings to the victim. Bullying may be either direct (open attack of the victim) or indirect (isolation, social exclusion of the victim which causes involuntary loneliness) (Olweus 1993).

**Child neglect (so-called passive abuse)** – failure of a parent or caregiver to perform his or her obligations upon caring for physical, mental, emotional and social development of a child (failure to meet the essential physiological, emotional, health and/or educational needs of a child), which may be detrimental to the development proper to the child's age and to the child's mental or physical health.

**Corporal punishment of a child** - a form of violence defined as any punishment in which physical force is used and intended to cause (even light) pain or discomfort to a child (UN Committee on the Rights of the Child).

**Sexual abuse of a child** – the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to or that violates the laws or social taboos of society (WHO).

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<sup>45</sup> UN Committee on the Rights of the Child. General Comment No. 8 (2006). The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts 19, 28, para.2; and 37, inter alia).



**Abuse of a child** – causing of intentional physical, mental, emotional or sexual damage to a child by a person who is liable for the well-being of the child which may cause physical, mental, emotional or social damage to the development proper to the child's age and the well-being of the child.

**Violence against women** – any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

**Domestic violence** – involves also cases of domestic and close relationships in addition to family relationships. In the case of domestic violence, the abuser and victim are from one and the same family, violence is usually used between family members (also former family members) or between a family member and a close relative. In the case of domestic violence a physically and mentally stronger person abuses a weaker person. The most widely spread types of domestic violence are abuse between spouses (husband and wife), children, grandparents or siblings.

**Victim of domestic violence** – a person who suffers from physical, sexual and/or mental violence in a family, at home (in a household) or any other close relationship regardless of the fact whether the abuser and the victim have common dwellings or not.

**Psychological violence** – insulting, name-calling, ignoring, isolation, rejection, intimidating, manipulation, belittlement, witnessing domestic violence, emotional indifference and other behaviour that can be detrimental to a child's psychological development and well-being (UN).

**Sexual violence against a child** – a contact or non-contact act with sexual content perpetrated against a child by an adult or another child, who based on his or her age or development level is in a liability, trust or power relationship with the child, for the purposes of power, satisfaction of sexual or other needs, (Encyclopedia of Interpersonal Violence, Corby 2007).

**Violence** – the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation (general definition of violence by WHO, 1996).

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## Annex 1. Connection of the strategy with international documents

1. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse<sup>46</sup>

The Convention lays down preventive, protective measures and criminal law measures in order to prevent sexual offences against children, punish the persons who commit sexual offences and protect child victims. Estonia signed the Convention on 17 September 2008.

2. United Nations Convention on the Rights of the Child and Optional Protocol to the Convention

The Convention provides for the rights necessary for ensuring the development and well-being of the child which each state party to the Convention shall ensure for the children. The Conventions sets out, *inter alia*, the right for special protection and treatment in situations of risk, also the right of an accused child for special treatment in the course of proceedings, etc. The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography obliges the states to prohibit the sale of children, child prostitution and child pornography, deal with the prevention thereof and ensure rehabilitation services to children who have fallen victim thereof. Estonia signed the Optional Protocol on 24 September 2003 and ratified it on 15 June 2004.

3. Council of Europe Convention on Trafficking in Human Beings<sup>47</sup>

The purposes of the Convention are to prevent and combat trafficking in human beings, while guaranteeing gender equality; to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution; to promote international cooperation on action against trafficking in human beings.

On 7 January 2010, the Government of the Republic adopted the decision to sign the Convention, currently it is pending signature.

4. EU Action Plan for Combating Trafficking in Human Beings (2008)

The Action Plan stresses the need to establish National Rapporteurs or equivalent mechanisms in order to monitor trends of trafficking in human beings and the results of anti-trafficking actions on the basis of the agreed criteria and indicators. Member States consider it necessary to provide systematic training to main stakeholders related to improvement of child protection systems, supporting of non-governmental organisations providing assistance to victims of trafficking in human beings and identification of cases of trafficking in human beings and particular attention shall be paid to trafficking in human beings for the purposes of labour exploitation.

5. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime<sup>48</sup>

The purposes of the Protocol are to prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist victims of such trafficking, with full respect

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<sup>46</sup> *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, open for signature from 25 October 2007

<sup>47</sup> *Council of Europe Convention on Action against Trafficking in Human Beings*, open for signature from 16 May 2005, Available: <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>.

<sup>48</sup> Published in the *Riigi Teataja*: <https://www.riigiteataja.ee/ert/act.jsp?id=733018>, binding on Estonia from 11 June 2004.

for their human rights; and to promote cooperation among States Parties in order to meet those objectives.

6. EU Council Framework Decision. of 19 July 2002. on combating trafficking in human beings<sup>49</sup>

The Framework Decision observes the fundamental rights and takes into account the principles recognised primarily in the Charter of Fundamental Rights of the European Union, which include protection of human dignity, prohibition of slavery, forced labour, trafficking in human beings, prohibition of torture and inhuman or degrading treatment or punishment, the rights of the child, the right to liberty and security, freedom of expression and information, the protection of personal data, the right to an effective remedy and to a fair trial and the principles of legality and proportionality of criminal offences and penalties.

The Framework Decision sets out measures for the prevention of trafficking in human beings and for prosecution and for the protection of the rights of the victims.

7. Recommendation of the Committee of Ministers to Member States on assistance to crime victims<sup>50</sup>

The Recommendation includes measures for the protection of witnesses and victims, for the provision of assistance to them, including for establishing shelters, e.g. for the victims of domestic violence. According to the Recommendation, the main role of legal protection is to identify the need of victims and provide information and avoid secondary victimization.

8. EU Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings 2001/220/JHA<sup>51</sup>

According to the Framework Decision, secondary victimisation shall be prevented, the prerequisite of which is comprehensive and coordinated approach to the victims' needs. This includes, in addition to witness- and human-friendliness, also measures for assisting the victims before and after criminal proceedings.

9. Council of Europe Convention on combating violence against women and domestic violence  
Under preparation

The Council of Europe established the Ad Hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO), the function of which is to deal with the issues relating to violence against women and domestic violence. In 2008, it was agreed in the Committee that a legally binding instrument shall be prepared and adopted in the European Union to prevent and combat domestic violence including specific forms of violence against women and to protect the victims of such violence as well as punish the perpetrators. Although the new Convention puts a strong emphasis on violence against women, it is stressed that all the victims of general domestic violence shall be dealt with. The Convention focuses on four topics: prevention, protection of the victims, punishment of offenders and coordinated policy regulating the field.

10. UN Convention on the Elimination of All Forms of Discrimination against Women

The Convention provides that States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

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<sup>49</sup> (2002/629/JHA) OJ L 203, 1.8.2002

<sup>50</sup> Recommendation Rec (2006) 8 of the Committee of Ministers to member states on assistance to crime victims

<sup>51</sup> Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings

11. Recommendation of Council of Europe for preparation of strategies for the protection of children against violence<sup>52</sup>

The Recommendation is based on four principles: protection of children, prevention of violence, prosecution of criminals and participation by children. These are based on the conclusions and recommendations included in the UN study on violence against children. The objective of the Recommendation is to assist Member States in drawing up national and local strategies and action plans in order to combat different types of violence against children, including sexual, physical violence and cyber-crime, including pornography on the Internet and harassment via mobile phones.

12. EU Council Conclusions on the Eradication of Violence Against Women in the EU. 09.03.2010<sup>53</sup>

According to the Conclusions, the Member States shall develop and update national strategies for tackling violence against women. It is important to devote appropriate resources to preventing and dealing with the consequences, raising awareness and counselling (the states shall make available free helpline, where to the women who have fallen victim to violence could call, and ensure the protection of the children who have to grow up in an atmosphere of violence).

13. Recommendation of EU Council on the protection of women against violence<sup>54</sup>

According to the Recommendation, Member States should develop policies for combating violence in order to ensure safety and protection of the victims, establish support and assistance structures for women who have fallen victim to violence which avoid secondary victimisation, raise public awareness and the awareness of children and young persons; ensure training for professionals confronted with violence against women and engage in prevention in all respective fields. It shall be ensured that all measures are co-ordinated nation-wide and focused on the needs of the victims and the efficiency of cooperation between the state and different organisations shall be improved.

14. Parliamentary Assembly of the Council of Europe Resolution 1635 (2008) Combating violence against women<sup>55</sup>

The resolution prescribes that domestic violence against women should be punishable pursuant to criminal procedure, a sufficient number of shelters shall be ensured, application for a restraining order with respect to a violent partner shall be facilitated. Attention should be paid to raising awareness of the official circles and the general public and the work of NGA-s which combat violence against women shall be supported separately.

15. Beijing Declaration and Platform for Action adopted by the UN Fourth World Conference on Women<sup>56</sup>

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<sup>52</sup> Draft Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children against Violence. Programme „Building a Europe for and with children“

<sup>53</sup> EU Council Conclusions On The Eradication Of Violence Against Women In The EU. CL10-048EN. 8.03.2010 [http://www.europa-eu-un.org/articles/en/article\\_9553\\_en.htm](http://www.europa-eu-un.org/articles/en/article_9553_en.htm)

<sup>54</sup> Recommendation Rec (2002)5 of The Committee Of Ministers To Member States On The Protection Of Women Against Violence <https://wcd.coe.int/ViewDoc.jsp?id=280915&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>

<sup>55</sup> Resolution 1635 (2008) Combating violence against women: towards a Council of Europe Convention <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta08/ERES1635.htm>

<sup>56</sup> Beijing Declaration and Platform for Action <http://www.un.org/womenwatch/daw/beijing/platform/index.html>



The Declaration and the Platform for Action have established an objective of women's empowerment and is focussed on increasing women's rights and establishment of equal possibilities in the economic, social, cultural and political decision-making process. It is stressed, *inter alia*, that shelters and necessary support, including medical, psychological and other counselling services and legal counselling free of charge or at a low price and assistance upon finding means of subsistence, shall be ensured for girls and women who have fallen victim to violence. In addition, it is important to support the initiatives of women's organisations and NGO-s in order to raise awareness of violence against women.