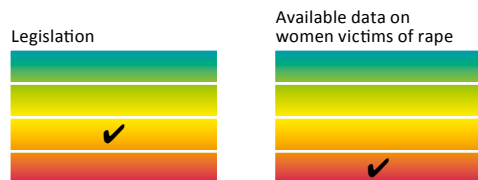


## NATIONAL ANALYSIS

# Estonia



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### Legislation

The sections of the Penal Code addressing sexual violence use the words “against his/her will”, however, all these sections contain additional prerequisites necessary for creating a specific criminal offence. These include, for instance, use of force, taking advantage of a situation where the victim is helpless (not capable of initiating resistance) or dependency of the victim on the offender.

Regarding rape, the old definition is still used. It makes reference to the use of force or taking advantage of a situation (in which the victim is not capable of initiating resistance). In principle, § 141 also covers marital rape.

#### Penal Code : Offences against Sexual Self-determination

##### § 141. Rape

(1) Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation is punishable by 1 to 5 years’ imprisonment.

The Penal Code has more severe penalties (6-15 years’ imprisonment) when rape is committed against a minor (less than 18 years), when the consequences cause “serious damage”, or the death or suicide of the victim, when rape is committed by two or more persons or in cases of recidivism.

#### Additional Comments

With regard to the implementation of the law, there are serious problems in many cases, including providing proof of rape, especially in marital rape cases where there is little evidence apart from the testimony given by the victim.

The procedure can create serious trauma for the victim, especially concerning the trial. The victim has the right to refuse to testify against a family member. Case law can be extremely varied. Given this, women frequently decide not to file complaints or press charges and these rape cases go unnoticed by law enforcement authorities.

In principle, the victim can apply for compensation based on the Victim Support Act if he/she sustains serious damage to his or her health, or in case of incapacity to work lasting more than six months. The victim will be compensated for 80% of the cost of medical treatment, necessary appliances, costs related to incapacity to work, and damage arising from the death of the victim. The maximum compensation rate is 9590 Euros for a single victim. This is mostly used for psychological counseling (under the cost of medical treatment).

## Available data on women victims of rape

No statistics on women victims of rape are available in Estonia.

Statistics Estonia publishes crime statistics which are not disaggregated by gender; statistics are provided on registered cases of rape over several years.

[http://pub.stat.ee/px-web.2001/I\\_Databas/Social\\_life/07Justice\\_and\\_security/03Crime/03Crime.asp](http://pub.stat.ee/px-web.2001/I_Databas/Social_life/07Justice_and_security/03Crime/03Crime.asp)

2012: 143 rapes

2011: 91

2010: 81

2009: 124

2008: 160

The website of the Ministry of Justice provides data (in Estonian) on registered crime, without mentioning the sex of the offender and the victim.

[www.just.ee/30140](http://www.just.ee/30140)

## Useful Contacts

There are no specialised services for women victims of sexual violence.

Women's shelters (the contact data for which can be found at <http://naisteliin.ee/>) and the 1492 hotline also provide assistance for all victims of violence against women, including sexual violence.

