



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Sixth periodic report submitted by Estonia under
article 19 of the Convention pursuant to the
simplified reporting procedure, due in 2017***

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* The present document is being issued without formal editing.



Introduction

1. Pursuant to article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Estonia hereby submits its sixth periodic report. Estonia submitted its combined first, second and third report in 2001, its fourth report in 2007 and its fifth report in 2012. The Committee against Torture considered the fifth report and adopted the concluding observations in 2013 (CAT/C/EST/CO/5).
2. Estonia is using the new optional reporting procedure adopted by the Committee against Torture at its thirty-eighth session. Prior to the submission of this sixth periodic report, the Committee against Torture provided the Estonian Government with a list of issues adopted by the Committee at its fifty-fourth session (CAT/C/EST/QPR/6). The replies of the State party to this list of issues constitutes its report under article 19 of the Convention.
3. The present report was prepared by the Ministry of Justice in cooperation with various ministries and other authorities.

Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Article 1

Reply to the issues raised in paragraph 1 of the list of issues (CAT/C/EST/QPR/6)

4. With reference to the Committee's previous concluding observations (CAT/C/EST/CO/5, para. 7), Estonia reports that by virtue of an amendment, in force since 1 January 2015, torture has been criminalised in section 2901 of the Penal Code (hereinafter PC) as causing great or consistent physical or mental pain by an official without legal grounds to a person with the intention of receiving statements from him or her or a third person, punishment, frightening, coercion or discrimination, as well as instigation by an official to such act or consent to such act. The offence is punishable by one to seven years' imprisonment.
5. Severe physical or mental pain or suffering mentioned in article 1 of the Convention against Torture (hereinafter CAT) has been understood to include pain or suffering that is at least great or consistent. Intention of the commission of the act is derived from the General Part of the PC, section 15 (1) pursuant to which only intentional acts shall be punishable as criminal offences unless a punishment for a negligent act is provided by the Code. The alternative purpose of the act 'obtaining from him or a third person information or a confession' has been covered by the intention to receive statements from him or her or a third person. The purpose of 'punishing him for an act he or a third person has committed or is suspected of having committed' is covered by the intention of punishing, a broad concept without specifications. The alternative purpose of intimidation is covered by the intention of frightening and the purpose of 'coercing him or a third person' by the broad intention of coercion. The alternative 'any reason based on discrimination of any kind' is covered by the intention of discrimination, similarly unspecified.
6. The commission of the act by a public official or other person acting in an official capacity is covered by causing the relevant pain or suffering 'by an official'. An official is defined in section 288 (1) PC as 'a natural person who holds an official position for the performance of public duties regardless of whether he or she performs the duties imposed on him or her permanently or temporarily, for a remuneration or without, while in service or engaged in a liberal profession, or under a contract, by appointment or election'. The commission of the act at the instigation of a public official or other person acting in an official capacity is covered by the alternative 'as well as instigation by an official to such act'; the commission of the act with the consent or acquiescence of a public official or other person acting in an official capacity is covered by the alternative 'or consent to such act'. The last alternatives apply to the official who instigates or consents to the act of torture, not to the direct causator who is not an official; to such person general provisions of the PC apply (in particular, sections 118 – Causing serious health damage, 120 – Threat, and 121 – Physical abuse).

7. According to the second sentence of article 1(1) CAT torture does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. This limitation is reflected in the Estonian law by the words ‘without legal grounds’. All actions of the officials need to have a legal ground in Estonian law and torture and inhuman treatment are constitutionally unlawful, e.g., section 9 (3) of the Code of Criminal Procedure (hereinafter CCP) stipulates that ‘investigative bodies, Prosecutors’ Offices and courts shall treat the participants in proceedings without defamation or degradation of their dignity. No one shall be subjected to torture or other cruel or inhuman treatment.’ However, if the person subjected to measures applied by the state would feel great or consistent pain or suffering, in particular mental, due to such measures, its nature is to be determined by analysing the legal grounds of the measures, their application by the official, and proportionality in due process.

8. Pursuant to section 2901 (2) PC the same act, if committed against two or more persons; or against a person of less than eighteen years of age; or by a group, is punishable by two to ten years’ imprisonment. Subsection (3) foresees corporate responsibility for torture; the offence has to be imputable to the legal person pursuant to the section 14 (1) PC.

9. Estonia informs the Committee also about the other amendments of relevant provisions of the PC. The former section 122 PC – Torture – has been abolished and the section 121 – Physical abuse – has been substantially amended to include the acts formerly criminalised as torture. Pursuant to the provision as in force since 2015, causing damage to the health of another person and physical abuse which causes pain is punishable by a pecuniary punishment or up to one year’s imprisonment. The same act if it causes health damage which persists for at least four weeks; if committed in a close relationship or relationship of subordination; or committed repeatedly, is punishable by a pecuniary punishment or up to five years’ imprisonment.

10. Pursuant to section 312 – Unlawful interrogation, as amended in 2015, compelling by a preliminary investigator or prosecutor by violence to give testimony, if it does not contain all the necessary elements of offence provided for in § 2901 of the Code, is punishable by a pecuniary punishment or by one to five years’ imprisonment.

11. Pursuant to section 324 – Unlawful treatment of prisoners, as amended in 2015 and in 2021, degrading of the dignity of a prisoner, a person in detention or custody, or any other person detained in a custodian institution, or discriminating against such person or unlawful restricting of his or her rights by an official of a custodial institution taking advantage of his or her official position, if it does not contain all the necessary elements of office provided for in § 2901 of the Code, is punishable by a pecuniary punishment or up to one year’s imprisonment.

12. Pursuant to section 291 – Abuse of authority, as amended in 2015, unlawful use of a weapon, special equipment, or physical force by an official is punishable by a pecuniary punishment or by one to five years’ imprisonment.

13. In the last years the crimes mentioned have been reported as follows:

	2015	2016	2017	2018	2019	2020
§ 2901		1		1	3	1
§ 118	98	93	76	90	78	77
§ 120	762	712	627	935	954	793
§ 121	5657	4823	4710	5966	6557	6023
§ 312	1			1		1
§ 324		2	1	10	5	3
§ 291	7	8	11	14	11	14

Article 2 and 4**Reply to the issues raised in paragraph 2 of the list of issues**

14. With reference to the Committee's previous concluding observations (para. 8), Estonia reports that since 2015 the punishments applicable for torture have been substantially increased and imprisonment of 1 to 7 years (under aggravating circumstances 2–10 years) has been provided. It is comparable with the punishments applicable for human trafficking (1–7 years, under aggravating circumstances 3–15 years, against a minor without aggravating circumstances 2–10 years – cf. sections 133 and 175 PC).

Article 2**Reply to the issues raised in paragraph 3 (a) of the list of issues**

15. With reference to the Committee's previous concluding observations (para. 9), Estonia reports the following. When a person has been detained as a suspect, he has to be informed about his rights and the procedure of explaining the rights to the detainee has to be recorded in the report on detention pursuant to section 218 (1) clause 4 CCP. The rights of the suspect provided in section 34 (1) CCP include the right to know the content of the suspicion and give or refuse to give testimony with regard to the content of the suspicion, the right to know that his or her testimony may be used in order to bring charges against him or her (clauses 1–2); the right to the assistance of a counsel; confer with the counsel without the presence of other persons; and to be interrogated and participate in confrontation, comparison of testimony to circumstances and presentation for identification in the presence of a counsel (clauses 3–5).

16. Pursuant to section 42 (1) CCP the counsel is either an attorney or, with the permission of the body conducting the proceedings, any other person who meets the educational requirements established for contractual representatives by this Code and whose competence in criminal proceedings is based on an agreement with the person being defended (contractual counsel), or an attorney whose competence in criminal proceedings is based on the appointment of an investigative body, Prosecutor's Office or court, and determined by the Estonian Bar Association (appointed counsel). Pursuant to section 43 (2) a counsel shall be appointed by an investigative body, Prosecutor's Office or court if a suspect or the accused has not chosen a counsel but has requested the appointment of a counsel; or a suspect or the accused has not requested a counsel but the participation of a counsel is mandatory according to § 45 of CCP.

17. In addition, pursuant to section 671 (1 and 4) CCP a witness may request that an attorney or any other qualified person be present for the protection of his or her rights at the interrogation of the witness in the pre-court proceedings. The representative has the right to intervene in the interrogation if violation of the procedural requirements results in violation of the rights of the witness and to submit complaints.

18. Pursuant to section 217 (10) CCP a person detained as a suspect is given an opportunity to notify at least one person close to him or her at his or her choice of his or her detention through a body conducting proceedings. Pursuant to section 133 (1) a preliminary investigation judge or court shall immediately give notification of taking of a person into custody to a person close to the person in custody and his or her place of employment or study. Although the law does not directly require feedback to be given, it may be provided at least on request.

19. Pursuant to section 14 (1) of the Imprisonment Act (hereinafter IA) a prisoner (by virtue of section 90 (1) the provision is applied also to persons in custody) is required to undergo medical examination performed by medic upon arrival in a prison. The following subsection provides that the objective of the medical examination of detained suspect who is a minor is to assess in particular his or her overall mental and physical condition. The findings of the examination shall be communicated to the body conducting the proceedings. If there are any new circumstances, an additional examination shall be conducted.

20. Pursuant to sections 52 and 53 IA, health care services in prisons are provided by health care professionals pursuant to the provisions of the Health Care Services Organisation

Act regulating the provision of specialised medical care. Medics in prisons are required to supervise the state of prisoners' health on a constant basis, treat them in prison to the extent possible and, if necessary, refer them to treatment at relevant providers of specialised medical care, and perform other functions assigned to medics. The availability of emergency medical care twenty-four hours a day shall be guaranteed to prisoners. Prisoners who need treatment which cannot be provided in prison shall be referred to treatment at relevant providers of specialised medical care in civilian hospitals. The funding and the extent of provision of health care services in prison is regulated by a regulation of the Government of the Republic. A choice of a doctor has not been provided by law but a request may be taken into account.

21. Pursuant to section 217 (1) CCP detention of a suspect is a procedural operation whereby a person is deprived of liberty for up to 48 hours. The period may not be extended except by taking the suspect under custody. Pursuant to section 130 (1–2) CCP taking into custody is a preventive measure which is applied with regard to a suspect, accused or convicted offender and which means deprivation of a person of his or her liberty on the basis of a court order. A suspect or accused may be taken into custody at the request of the Prosecutor's Office and on the basis of an order of a preliminary investigation judge or on the basis of a court order if he or she is likely to abscond from the criminal proceedings or continue to commit criminal offences and taking into custody is inevitable.

22. Pursuant to section 131 (1; 3) CCP the Prosecutor's Office shall immediately notify the counsel of preparation of an application for an arrest warrant. In order to issue an arrest warrant, a preliminary investigation judge shall examine the criminal file and interrogate the person to be taken into custody with a view to ascertaining whether the application for arrest warrant is justified. The prosecutor and, at the request of the person to be taken into custody, his or her counsel shall be summoned before the preliminary investigation judge and their opinions shall be heard. In the case of a minor who is taken into custody, a preliminary investigation judge shall assess particularly thoroughly the possible negative effects relating to taking into custody on the person held in custody.

23. Since 2016, amended time limits for holding in custody have been provided in section 1311 CCP. As a rule, during pre-court proceedings, a person suspected or accused of a criminal offence in the first degree may not be held in custody for more than six months, and a person suspected or accused of a criminal offence in the second degree for more than four months. A suspect or accused who is a minor may not be held in custody during pre-court proceedings for more than two months. Upon taking a person into custody, a preliminary investigation judge shall issue an authorisation for up to two months to hold the suspect or the accused in custody. The preliminary investigation judge may extend the specified time limit based on a reasoned request of the Prosecutor's Office by up to two months at a time, taking into consideration the restrictions provided. If there are no grounds for holding in custody, the person shall be released immediately.

Reply to the issues raised in paragraph 3 (b) of the list of issues

24. After an amendment in force since 2016 and according to section 217 (10) CCP if the person detained is a minor, his or her legal representative shall be immediately notified of the detention, except in the case this is not in the interests of the minor. In the case of the latter, a local government authority must be notified. If the notification prejudices criminal proceedings, the opportunity to notify or notification of detention of a minor may be refused with the permission of the Prosecutor's Office.

25. In misdemeanour proceedings, after an amendment in force since 2019, an underage person subject to proceedings has the rights that are provided for under criminal procedure with regard to underage persons suspected or accused of a criminal offence if they have been detained (Code of Misdemeanour Procedure, hereinafter CMP, section 19 (11)). Pursuant to section 45 (2) clause 1 CCP, the participation of counsel is mandatory for the entire course of proceedings if the person was a minor at the time of commission of the criminal offence or unlawful act.

Reply to the issues raised in paragraph 3 (c) of the list of issues

26. In detention facilities operating under the Police and Border Guard Board, control, implementation and monitoring of measures are included in the appropriate working regulations of the facilities. Every detention facility organizes yearly two monitoring activities, which are recorded in the monitoring plan and Document Management system. Similar measures are taken also in prisons operating under the Prisons' Department of the Ministry of Justice. Not later than on the day following the prisoner's arrival in a prison, a prison service officer explains to the prisoner his or her rights and obligations as a prisoner. A prisoner is given written information concerning the Acts which regulate the execution of imprisonment, the internal rules of the prison and the submission of complaints.

Reply to the issues raised in paragraph 3 (d) of the list of issues

27. According to the directive 55 (May 31, 2019) of the Director General of the Police and Border Guard Board laying down the Rules of Procedure of the Police and Border Guard Board, the employee must inform the direct supervisor of an act with any signs of disciplinary action, or if an employee participated in it. In turn, the direct supervisor is obliged to inform the internal control bureau about any possible infringement under point 62 of the same directive.

28. Examples follow:

- 2016, control procedure - an official failed to remove information about a wanted person on time, as a result a person was detained without legal grounds and was taken to the police station.
- 2018, disciplinary proceeding - officials removed a person from his own home to the police station to sober up without legal grounds. One senior official received a reprimand, and the other was punished in disciplinary terms.
- 2019, disciplinary proceeding – an official failed to remove information about a wanted person on time, causing the person's detainment without legal grounds and transportation to the police station. The officer received a reprimand.
- 2019, inspection activities - based on a person's complaint deficiencies in the conditions of short-term detention rooms were identified connected to facility and hygiene requirements. These premises are no longer in use to detain persons.
- 2020, disciplinary proceeding – an official did not release an apprehended person after 48 hours of detention and the person stayed in the police station detention chamber for more than 3 hours without a legal basis. The officer received a reprimand.
- 2020, disciplinary proceeding – a complaint was lodged that an official, without any legal basis, used direct coercion (physical force and handcuffs) and failed to fulfil the obligation to explain. No evidence in proof were found of the commission of the disciplinary offence.
- 2020, disciplinary proceeding – a complaint was lodged that an official issued a decision on the compelled attendance failing to inform the person according to the established procedure. As a result, the person was detained and delivered to the police station. No evidence in proof were found of the commission of the disciplinary offence.

Reply to the issues raised in paragraph 4 of the list of issues

29. With reference to the Committee's previous concluding observations (para. 10), Estonia reports that no amendments have been made to sections 301 and 309 (2) CCP according to which if a prosecutor withdraws the charges during the summations, the court shall make a judgment of acquittal without continuing the proceedings; and a judgment of acquittal is made if a criminal act or a criminal offence is not established in judicial hearing, commission of the criminal offence by the accused is not proved or the prosecutor withdraws the charges. We explain that in the Estonian legal system the court does not have accusatory functions nor powers to continue with the proceedings with charges dropped. This has to do

with the concept of adversarial proceedings where only the prosecutor performs the prosecution function.

Reply to the issues raised in paragraph 5 (a) of the list of issues

30. Estonia provides the following information. Remand and sentenced prisoners continue to be temporarily accommodated to police detention houses where there is no prison in the region (there are three prisons in Tallinn, Tartu and Jõhvi, all modern and furnished with conditions respecting the humane standards; there is neither need nor resources to establish similar prisons in all regions) and the presence of the detainee is necessary for the purposes of ongoing procedural activities, e.g. for standing a trial or giving a testimony at trial. Instead of physical presence more and more participation via video networking has been used but it is not always possible or practical. Police detention centres have also been modernised and in some occasions closed, particularly in locations where there are prisons with their remand detention departments (the amendment has entered into force in 2021 and applies to Jõhvi and Tartu prisons). Thus, the situation where a sentenced prisoner needs to be temporarily accommodated in a police detention house is fairly rare. Usually there are no sentenced prisoners in police detention houses.

Reply to the issues raised in paragraph 5 (b) of the list of issues

31. As a rule all remand prisoners are held in prisons. Usually remand prisoners are accommodated in respective departments of prisons. Exceptionally they may be kept in police detention houses temporarily during initial procedural activities, and after the activities have been carried out, they are conveyed to the respective departments of prisons if their detention is still required. The number of remand prisoners in police detention houses is in average 10 to 30 (being 5% of the total number of remand prisoners).

Reply to the issues raised in paragraph 6 (a) of the list of issues

32. With reference to the Committee's previous concluding observations (para. 11), Estonia reports the following. There are no prosecutions related to alleged brutality and excessive use of force by law enforcement personnel during the events that took place in Tallinn in April 2007.

Reply to the issues raised in paragraph 6 (b) of the list of issues

33. There is no special registry for alleged torture or other cruel, inhuman or degrading treatment or punishment as well as in the establishment of an independent mechanism to investigate allegations of torture and ill-treatment. However, if the allegation has been reported to the law enforcement and it falls under any of the beforementioned offences or any other offences, it has to be registered in the existing data systems of the law enforcement, and receive a reaction. If criminal investigation is started, or, if for any reason criminal investigation would not be started, it does not preclude the Police Internal Control Bureau from auditing the case, as explained before.

Reply to the issues raised in paragraph 6 (c) of the list of issues

34. The number of registered offences of torture (§ 2901 PC), abuse of authority (§ 291 PC), unlawful interrogation (§ 312 PC) and unlawful treatment of prisoners (§ 324 PC) are as follows:

	2015	2016	2017	2018	2019	2020
§ 2901		1		1	3	1
§ 312	1			1		1
§ 324		2	1	10	5	3
§ 291	7	8	11	14	11	14

Reply to the issues raised in paragraph 6 (d) of the list of issues

35. Victims of torture and ill-treatment have rights to get support by the State pursuant to Victim Support Act (hereinafter VSA), and may claim compensation in criminal or civil proceedings pursuant to CCP and the Code of Civil Procedure. If the claim fulfils the conditions foreseen in the CCP, it will be decided in the criminal proceedings without need to initiate a separate civil action for damages.

36. Provision of victim support services that do not depend on procedural claim include: 1) counselling of victims; 2) assisting victims in communicating with state and local government authorities and legal persons. Additionally, following support services are available for victims of trafficking and sexually abused minors: 3) ensuring safe accommodation; 4) ensuring catering; 5) ensuring access to necessary health services; 6) providing necessary material assistance; 7) providing necessary psychological assistance; 8) enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services; 9) providing other services necessary for physical and psycho-social rehabilitation of victims.

37. Until 2020, most support services were financed by the state and provided by NGOs: NGO Eluliin and NGO SOS Children's Village. Since 2021, support services are provided by the state agency Estonian Social Insurance Board. Health services are provided by Medicum (medical facility). All services are financed by the state.

38. The Equal Treatment Act ensures the protection of persons against discrimination on grounds of nationality (ethnic origin), race, colour, religion or other beliefs, age, disability or sexual orientation. If the rights of a person are violated due to discrimination, he or she may demand from the person who violates the rights that discrimination be discontinued and compensation be paid for the damage caused to him or her by the violation on the bases of and pursuant to the procedure provided by law. A person whose rights are violated due to discrimination may demand that a reasonable amount of money be paid to the person as compensation for non-patrimonial damage caused by the violation. Upon determination of the amount of compensation, a court or a labour dispute committee shall consider, inter alia, the scope, duration and nature of discrimination.

Reply to the issues raised in paragraph 6 (e) of the list of issues

39. The Police and Border Guard Board provides input to the training curriculum of police officers of the Academy of Security Sciences and participates in the graduation examination committees. This ensures that new police officers obtain necessary knowledge and skills about use of legal and physical force. Officials working in the Police and Border Guard Board are obliged to pass a firearm use test once a year and attend security tactics training, one of the objectives of which is to teach the rules of use of force and to learn from the analysis of critical incidents that have taken place.

Reply to the issues raised in paragraph 7 (a) of the list of issues

40. With reference to the Committee's previous concluding observations (para. 12), Estonia reports the following. Estonia reports that by virtue of the amendment in force since 1 January 2015, causing damage to the health of another person and physical abuse which causes pain, if committed in a close relationship or relationship of subordination, is punishable by a pecuniary punishment or up to five years' imprisonment as aggravated physical abuse (section 121 (2 clause 2) PC). Thus domestic violence has been considered a special form of violence. As regards rape and involuntary sexual act (sections 141 and 1411 PC), a similar amendment has not taken place but those offences may take place also in marital relationship.

41. However, the offence provided in section 143 PC – Compelling person to engage in sexual intercourse or other act of sexual nature – consists of a sexual intercourse or commission of another act of sexual nature with a person against his or her will by taking advantage of the dependency of the victim on the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in §§ 141 or 1411 of PC (text as from 2019; the offence is punishable

with up to three years' imprisonment, in a case of repeated offence by up to five years' imprisonment.

42. In the last years the crimes mentioned have been reported as follows:

	2015	2016	2017	2018	2019	2020
§ 141	161	152	150	212	203	152
§ 1411					10	53
§ 143	1	1	4	4	5	5

Reply to the issues raised in paragraph 7 (b) of the list of issues

43. There is no independent reporting system for victims of domestic violence but as explained in the report, all existing channels from crime reporting to helplines are open to the victims and their effectiveness to deal with domestic violence has been a priority.

Reply to the issues raised in paragraph 7 (c) of the list of issues

44. In 2020, the Police and Border Guard Board updated the Guide to Responding to Domestic Violence, which set out the principles for responding to and resolving cases of domestic violence by the Police and Border Guard Board. The aim of the guide is to adjust the practice of resolving cases of domestic violence by the police in order to ensure better protection and assistance to victims and to prevent recurrent and serious incidents.

45. The guide establishes the general principles of responding to domestic violence, activities required at the scene (incl. patrol officers), storage of information (incl. protocol, databases), risk assessment and risk management (incl. risk assessment tool), cooperation with other institutions and organizations (incl. transmission of information), principles of criminal proceedings etc.

46. One of the main changes implemented in the police in 2020 is the task of police officers to conduct the risk assessment in the family from the first contact with the police. The principles of collecting and storing information, as well as case monitoring (eg the obligation to analyze domestic violence murders) have also been regulated in more detail.

47. All statements of domestic violence are registered by the police and in all cases of domestic violence, the police are obliged to carry out the risk assessment from the first contact with the domestic violence case, and in cooperation with other authorities to carry out risk management. The obligation to assess the risks is obligatory in all cases - whether it is a criminal proceeding or not.

48. When resolving domestic violence case, the police must create a safe physical distance between the perpetrator and the victim. Depending on the nature of the case, remove the perpetrator from the scene if possible: voluntary departure, the prohibition on stay, sobering up or detention.

49. If there are no grounds for detention or recover from intoxication of a person, but there is an imminent threat to the life or health of another person, the prohibition on stay must be considered. Prohibition on stay means that the police or, in the cases provided by law, another law enforcement agency may, on a temporary basis, prohibit a person from staying near a certain person or in a certain place, require him or her to leave the vicinity of the said person or the said place, or to avoid coming to a certain distance from the person or place.

50. The prohibition on stay (described above) must be also considered before a person's release from recovery of intoxication or detention under the Law Enforcement Act if the threat assessment (incl. the person's previous background) indicates that the person may also be violent when sober.

51. In the case of domestic violence, the prohibition on stay means: not to allow the perpetrator to be close to the victim, to stay or approach a certain place (in the same room as the victim, at the victim's workplace, etc.). The scope of the prohibition on stay will be decided on a case-by-case basis according to the circumstances. It must be made clear to the

perpetrator how close he or she can get to the victim, the purpose of the prohibition on stay, how long the prohibition is valid and the consequences of violating the prohibition on stay.

52. The victim must be informed of his or her rights, the possibilities for obtaining assistance and the content, scope, validity, purpose and how to deal with a breach of the prohibition on stay (call 112).

53. The police is obliged to inform all persons involved in the case of domestic violence in plain and intelligible language about the activities of the police, explaining the rights and obligations according to the type of procedure and providing information on the possibilities of receiving assistance (incl. initial counselling of the perpetrator).

54. The police officer dealing with a domestic violence case is required to inform victims and dependents of the content of the Victim Support Act to facilitate the receipt of a victim support service or compensation, including the right and possibilities to turn to a victim support worker for counselling, victim support service or compensation.

55. In domestic violence cases, victims are offered the opportunity to call the victim support crisis helpline (24/7) at the scene, in addition the police introduces victim support services and provides victim support information material / contacts. In addition, with the victim's consent, his or her details will be passed on to the victim support worker for contact.

56. Furthermore, a data and information exchange solution (database development) between police and local government's social services database was launched in April 2020, which helps to exchange information quickly without duplicating activities. Information about people in need and at risk, including all children involved in domestic violence, automatically reaches the local government and, with the consent of the victims of domestic violence, also the victim support of the Social Insurance Board. According to the domestic violence response procedure established by the Police and Border Guard Board, regardless of whether the children were direct victims, witnessed the incident or stayed away (including both in another room and away from the scene), they are regarded as children in need of assistance or in danger. In cases related to children, the local child protection worker or the child protection department of the Social Insurance Board police immediately notifies of the child in danger or in need of help. There is also a 24-hour child-helpline telephone number 116111.

57. The Academy of Security Sciences provides initial training for the police officers. The higher and vocational education curriculum includes a topic in the module on the protection of public order: Resolving the incident of domestic violence and applying the principles of restorative law. The sub-topics are: The role and tasks of the police in resolving a case of domestic violence (incl. Filling in the intimate partner violence leaflet); risk assessment and planning of further activities (DASH); carrying out follow-up of domestic violence and planning cooperation with aid agencies; storing information on a case of domestic violence in databases.

58. Each year the Police and Border Guard Board plans in-service trainings on violence in accordance with national guidelines, the previous year's work results and the need for police officers. The main topics are child sexual exploitation, domestic violence/MARAC/multi-agency cooperation (risk assessment), protection victims of crime etc.

59. Relevant legislation has been partly provided above (section 121 PC); in 2017 the following provisions of the PC have entered into force:

- § 153¹. Sexual harassment

(1) An intentional physical act of sexual nature against the will of another person committed against him or her with degrading objectives or consequences, is punishable by a fine of up to 300 fine units or by detention.

- § 157³. Harassing pursuit [stalking]

(1) Repeated or consistent attempts to contact another person, watching him or her or interference in the privacy of another person against the will of such person in another manner, if the intent or effect thereof is to intimidate, humiliate the other person or disturb

him or her in any other manner, if the act does not contain the necessary elements of an offence provided for in § 137 of this Code, is punishable by a pecuniary punishment or up to one year's imprisonment.

60. In the last years the crimes mentioned (sexual harassment is a misdemeanour) have been reported as follows:

	2015	2016	2017	2018	2019	2020
§ 121	5657	4823	4710	5966	6557	6023
§ 1573			89	200	202	225

Reply to the issues raised in paragraph 7 (d) of the list of issues

61. Estonia has been extremely active on reducing domestic and gender-based violence, which has become one of the priority issues on the governmental level. There have been great changes in government strategies, in laws and on grass-root level. In September 2017, Estonia ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention. Starting from January 2017, women's support service is stated as official service in the Victim Support Act, thus laying down new regulations, standards, and financing for services for tackling gender-based violence and human trafficking issues in Estonia. For the first time, the concept of victims of violence against woman is mentioned in the Estonian legislation.

62. In Estonia, the national victim support system lies on Social Insurance Board. It is a governmental organisation responsible for organising victim support and support for the victims of domestic and gender-based violence. The main responsibilities of the board are: organisation of conciliation and women's support centre service, organisation of support service to victim of trafficking in human beings and sexually abused minors, compensation for the cost of the psychological and the organisation of payment of state compensation to victims of crimes of violence. Victim support service is a public service provided all around Estonia, aiming at maintaining or enhancing the ability to cope of persons who have fallen victim to criminal offence, negligence, or mistreatment or physical, mental or sexual abuse.

63. Women's support centre service is a compound service funded from the state budget since 2014. There are 17 women's support centres with qualified and trained staff providing accommodation, psychological and legal consultation at the same quality standard all over the country. Services are free for all women victims and their children. There is a great progress in victim support services. In addition to round a clock woman's support centre service, since January 2019 the Victim Support Helpline works across Estonia round the clock and calling 116 006 is free of charge. This number is intended for all matters concerning the crime and crisis situation. Victims of gender-based violence and domestic violence are welcome to call this helpline. Consultants give first emotional support and give advice and instructions on how to proceed. If necessary, the information is passed on to the other specialist, for example the victim support service and police.

64. To prevent sexual violence and develop services for victims the special lead group was established and coordinated by the Ministry of Social Affairs of Estonia. Experts from several ministries are involved in active cooperation. Since November 2016, services for victims of sexual violence are part of the official victim support system. Starting from January 2018, services for victims of sexual abuse/rape are being coordinated by the Social Insurance Board in cooperation with hospitals, police, NGOs etc. In Estonia, four hospitals are organising immediate trauma support by trained specialist and collect of biological evidence.

65. In Estonia, various initiatives supported by the ministries to prevent and tackle gender-based violence have been taken. In order to enhance networking and identifying promising practice for protection of victims of domestic violence a new approach designed and pilot tested in one county of Estonia in 2018. Based on the analysis of the results of the project, its steering group made proposals for changes in the organization, resources and legislation regarding law enforcement and social affairs, local government and victim support organizations that were agreed by the Government. The Government Memorandum was

elaborated, presenting the findings and from 2019, the new intervention approach will be spread systematically all over Estonia. The aim is to provide a coordinated and integrated response to violence by focusing on both victims and perpetrators.

66. Police, prosecutors, women's shelters and national victim support officials are cooperating to enable immediate response to each emergency call made by victim of domestic violence. A key feature of the intervention is that it enables victims to remain in their own homes, provided it is considered safe to do so, and re-houses perpetrators. It enables to provide immediate emergency protection and crisis counselling for the victims at their own home by granting the police power to remove and deny the alleged perpetrator access to a particular address for a period. In addition, Multi-Agency Risk Assessment Conferences (MARAC) method is being used in more serious cases of domestic violence. The two approaches together will provide safety and security for victims of domestic violence and their children.

Reply to the issues raised in paragraph 7 (e) of the list of issues

67. The Development Plan for the Reduction and the Prevention of Violence 2010–2014 has been implemented and continued by the [Strategy for Preventing Violence for 2015–2020](#) which has been implemented too. The final report of the Strategy has been approved in 2021 and the new Agreement for Prevention of Violence 2021-2025 was adopted by the government.

Reply to the issues raised in paragraph 8 (a) of the list of issues

68. With reference to the Committee's previous concluding observations (para. 13), Estonia reports the following. Services for human trafficking (THB) victims (identified and presumed) are described in the VSA. Services are arranged by the State organisation Estonian Social Insurance Board and financed by the State. To provide services for human trafficking victims, Social Insurance Board has procurement system to find service providers and to conclude contracts. Services are provided by the NGO that has long experience in supporting THB victims.

69. Services provided are following:

- safe accommodation (24/7) and catering, plus necessary material assistance (for example clothing if needed, personal hygiene equipment etc);
- counselling services: social counselling, psychological counselling, legal counselling (also representation in court);
- support person service.

70. Vocational training and access to the labour market is part of the counselling service and cooperation with Unemployment Fund providing labour market services is essential. In addition to these services, the Social Insurance Board finances medical help and translation that is needed for receiving the services.

71. Regarding minor victims, since 2017 Estonia has a service called Children's House, that is following the Nordic Barnahus model in providing services for sexually abused children (please see also reply to issues raised in paragraph 22). The Barnahus model is a child-friendly and multi-disciplinary service that we provide to help sexually abused children or children suspected of being sexually abused. Children's houses are in Tallinn and Tartu and since spring 2020 also in Jõhvi.

72. Implementing and developing the Barnahus model in Estonia has improved the co-operation of various professionals working with child victims as well as the prevention work and raising awareness of child abuse in Estonia. Also, trainings and workshops for specific target groups (trainers, teachers, social workers etc.) regarding the prevention of child abuse have been organized by the professionals working in Barnahus. Professionals working in Barnahus have all been trained how to interview children, including children with special needs.

73. A new proposal of the Victim Support Act will be sent to government in April 2022, which includes updates about THB victims.

Reply to the issues raised in paragraph 8 (b) of the list of issues

74. The crime statistics, in particular THB-related, have remained on the same level in last years (2019 and 2020), which in turn shows that, under special conditions, the procedural authorities worked closely and were effective in introducing new working methods and channels.

75. Estonia is working on establishing reliable working contacts with third country authorities. In the framework of European police cooperation, international procedures are being organized at operational level. Cooperation with such countries like Ukraine, Moldova and Belarus, which are often the main countries of origin for both victims of human trafficking and organized crime, rely heavily on good personal contacts within processing authorities. However, cooperation with Belarus has been affected by the migrant crisis and aggression against Ukraine by Russian Federation in 2022. In order to improve the network of contacts, it is planned to launch a cooperation project co-funded by the European Union Internal Security Fund aiming at applying for support for international procedural cooperation.

76. In particular, the European Investigation Order, which has become the most widely used substantiation of evidence, makes it possible to obtain information relevant to proceedings from another country.

77. We proceed by the principles of international law that we do not punish victims of THB, they are not treated as suspects in criminal proceedings. In proceedings, we keep victim-centered approach and our focus is on victims, they have access to the services provided by various NGOs and the Estonian Social Insurance Board. Throughout the proceedings, the existence of a support person provided by the NGO offering relevant services is guaranteed to the victim. All the persons identified as victims are subject to thorough surveys and the circumstances under which the person has been involved in the trafficking field will be determined. It is determined, whether a person could be a victim of THB, or whether other crimes have been committed against him or her, including whether someone has contributed to his or her activities in prostitution, for example.

78. Throughout criminal proceedings, victims of THB have the right to a special support service offering comprehensive psychological and material support, as well as free legal assistance. In criminal proceedings, it is possible to provide the victim with his or her consent and suitability to provide witness protection in the Witness Protection Act. Victims could be motivated to take part in criminal proceedings by receiving free support services, the possibility of bringing civil actions, applying the principles of protection order or restorative law during the proceedings, etc. During criminal proceedings, only suspects and accused persons can be subject to restraints (e.g. refusal to leave the place of residence). Therefore, the right of the victim to move freely can only be restricted if he or she has signed an agreement to participate in the witness protection program and it is necessary to ensure his or her safety.

79. In practice, the possibility of depositing statements is often used in order to ensure that the victim has the least traumatic experience of taking part in legal proceedings, particularly in the case of foreigners. Also, if there is reason to believe that the victim is unable to give evidence in the courtroom, video interrogation has been used.

80. If there are any difficulties in investigating THB crimes, then difficulties will be discussed with law enforcement practitioners and if needed, then proposals for amending legislation sent to Ministry of Justice. This practice has worked well and has been used.

81. In the last years THB-related crimes have been reported as follows:

	2015	2016	2017	2018	2019	2020
§ 133	4	15	10	4	5	20
§ 1331		1	1			
§ 175	63	59	67	28	32	26

Reply to the issues raised in paragraph 8 (c) of the list of issues

82. In 2017 the Ministry of Social Affairs in cooperation with the Nordic Council of Ministers organized [two-day expert forum](#) for police officers, border guards, NGOs, prosecutors, other relevant officials. Around 100 persons from Nordic and Baltic countries participated. The forum focused on the protection of victims and discussed a variety of issues over three sessions: identification of victims in the country of destination and of origin; who are the victims of THB; victim support systems, rehabilitation and reintegration. The expert forum was part of the three-year (2015-2018) programme of the Nordic Council of Ministers designed to combat human trafficking with the aim to implement tangible initiatives in Baltic Sea region to prevent trafficking, to prosecute traffickers and to protect and help victims. Estonia has actively participated in the cooperation.

83. Trainings for judges took place in May 2018, as one-day sessions in Tallinn and Tartu, altogether 64 judges and court officials participated and were informed about THB and victims assistance possibilities. Estonian Ministry of Social Affairs has been organising trainings for different target groups since 2002. Every year, 2-3 two to three-day trainings take place on THB. Among target groups are also police officers and prosecutors. In 2019 there was 2-day training for all the investigators, prosecutors, labour inspectors and victim support officials around Estonia. Systematic training is provided by the Academy of Security Sciences that has regular trainings on THB for future police officials.

84. Estonia participates in the European Crime Prevention Network and EMPACT (workgroup of the European Commission) campaign related to EU Policy Cycle and dedicated to support assistance of victims who are in contact with law enforcement agencies. The campaign was launched in July 2019.

85. Two bigger international projects started in 2018. One in cooperation with Swedish Government and Institute and with Council of Baltic Sea States, called HOFBSR. This is a transnational project that aims to develop the Baltic Sea Region as a model region in identification and provision of comprehensive and sustainable assistance to victims of human trafficking focusing on maximizing the effectiveness and unifying practical cooperation among experts involved in the fight against human trafficking by developing a Transnational Referral Mechanism in the Baltic Sea Region, also addressing the gender dimension of human trafficking and victim-blaming stereotypical attitudes by providing mass media with knowledge and tools needed to report on human trafficking cases. Overall, the aim is to strengthen and expand TF-THB cooperation network by establishing contacts with main countries of origin for victims of human trafficking – Bulgaria, Romania and Ukraine.

86. Second project FLOW was done under the coordination of HEUNI (financed by ISF fund) and was dedicated to promote a holistic approach to the prevention and investigation of trafficking in human beings in conjunction with economic crime and engages businesses in the prevention of THB. The project addresses this gap by creating investigation aid for law enforcement, with the aim to promote a more holistic approach to the investigation of THB, in conjunction with economic crime and illicit financial flows. The Ministry of Justice, The Labour Inspection Board, and the Social Insurance Board have organised several campaigns on labour market issues, human trafficking, for prevention of trafficking and informing about victim support services as well.

87. As regards the activities of the Ministry of the Interior, trainings have been organised as much as possible and resources are directed as necessary. Prosecuting units analyze court decisions on an ongoing basis in cooperation with the Prosecutor's Office. Based on court decisions, proposals are made to amend legal regulations if the need arises. The latest amendment to §133 of the Penal Code has been adopted on 19.03.2019. Additionally, monitoring of the detection of human trafficking in labor relations takes place on a regular basis.

88. The compulsory course curriculum of a police officer of the Police and Border Guard College of the Academy of Security Sciences covers human trafficking. The course aims to ensure that the learner has knowledge, skills and correct attitudes that allow to work as a police officer who protects public order, monitors the state border, conducts border checks at border crossing points, handles most common misdemeanors and initiates criminal proceedings in accordance with legislation. Upon completion of the given curriculum

modules, the learner shall be able to distinguish trafficking in human beings from smuggling and explain their nature in accordance with international and national law. Also, the learner shall be able to describe possible forms of exploitation of human beings, prevention of trafficking in human beings and smuggling, based on best practice, and describe the sensitive treatment of victims of trafficking in accordance with regulations.

89. In the context of the Covid-19 emergency of 2020, one training on trafficking in human beings took place aimed at officials carrying out border controls at border crossing points and at border stations, as well as migration monitoring officers. Its content included overview of THB (Legal framework; Human rights and their protection; THB and its various stages Trafficking vs. smuggling; Trafficking in children), and identification of victims of trafficking in human beings (Principles for identifying the victim; identification of child victim; Persons accompanying the victim; Questioning the victim).

90. As regards the activities undertaken by the Ministry of Justice, a general agreement has been made that the beforementioned multidisciplinary training is organized once a year, for example joint training event were organised in 2019 and 2021 for all police officers, including criminal investigators and migration supervisors, prosecutors, customs officers, labour inspectors and victim support staff responsible for tackling human trafficking and/or support its victims, to introduce the guide and promote cooperation. During the training, the topic of proving criminal offences related to human trafficking was discussed and the participants shared cooperating experiences and practical knowledge as well. In 2020 child protection specialists and also victim support specialists were trained in order to work together and in cooperation in the THB identification. Special training for judges was done in 2018.

91. In recent years general public is informed through media articles, trainings for youth and specialists working with youth, also several campaigns have been made, recent from 2019 in cooperation with other EU countries (<https://eucpn.org/preventhumantrafficking>) and in 2017 in Estonia (1 ELU: <https://www.youtube.com/channel/UCgWFDoe6VC0evDO3GU90VRg>), and guidelines worked out for media, and a glossary for specialists.

Reply to the issues raised in paragraph 8 (d) of the list of issues

92. Regarding voluntary return, International Organisation for Migration (IOM) Estonia within its Assisted Voluntary Return and Reintegration programme co-funded by the AMIF and Estonian Ministry of the Interior can support the return of victims of THB and potential victims of THB. The victims are referred to IOM either by the Estonian Police and Border Guard Board or by the NGO providing services for victims. The prior return risk assessment is carried out by IOM in Estonia and by the IOM mission in the country of return if deemed relevant. All services and support provided by IOM rely on the voluntariness, informed decision and beneficiaries will to cooperate. If these elements are met IOM can refer the presumed VOT for additional support after the return either via resources available within the country of origin.

93. There is also anti-trafficking hotline in Estonia, providing counselling for everyone concerned about their situation, but also for specialists suspecting human trafficking. In addition, there is 24/7 victim support crisis counselling hotline 116 006 where THB victims or their relatives, but also specialists, can call or ask for an advice via website www.palunabi.ee. Identification of victims and cooperation between different organisations (police, prosecutors office, labour inspectorate, victim support etc) regarding referral to services is described in the victim identification and referral guidelines.

Reply to the issues raised in paragraph 8 (e) of the list of issues

94. The foreigner cannot be expelled to a state to which expulsion may result in consequences specified in Article 3 of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms or Article 3 of the UN CAT, or the application of death penalty. The expulsion shall also comply with Articles 32 and 33 of the United Nations Convention relating to the Status of Refugees (together with the Protocol relating to

the Status of Refugees of 31 January 1967). In this case, the Police and Border Guard Board may issue a residence permit to the foreigner concerned.

95. In Estonia good cooperation is made with IOM in using VARRE (Voluntary Assisted Return and Reintegration in Estonia) reintegration possibilities. Assisted Voluntary Return and Reintegration (AVRR) is a key tool in regulating migration and aims at the orderly, humane, and cost effective return of migrants, who wish to return voluntarily to their countries of origin. IOM Tallinn started implementing an AVRR programme in Estonia in 2010. Return and reintegration services are offered to migrants, who wish to return voluntarily to their countries of origin. Assisted migrants include asylum seekers and irregular migrants. Voluntary Assisted Return and Reintegration in Estonia (VARRE) aims to support the Government of Estonia in enhancing a systematic approach to return management and in strengthening and implementing a voluntary return and reintegration framework in Estonia. Services provided to migrants returning voluntarily from Estonia include information provision and counselling, pre-departure assistance, assistance in obtaining travel documents, travel arrangements, and assistance at departure, transit and arrival.

Reply to the issues raised in paragraph 9 of the list of issues

96. With reference to the Committee's previous concluding observations (para. 14), Estonia reports that under the Act on supplementing the [Chancellor of Justice Act](#) passed on 13 June 2018, the Riigikogu imposed new duties on the Chancellor of Justice – as of 1 January 2019, the institution of Chancellor of Justice is the national human rights institution (NHRI). In January 2019, the Chancellor submitted to the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (SCA) an official request to start the [accreditation process](#). Accreditation was finalised in December 2020 and the SCA awarded the Chancellor of Justice "A status", which means that the Chancellor complies with the Paris Principles.

97. The Parliament committed to increasing the annual budget of the Chancellor of Justice to reflect the added NHRI responsibilities and duties. The commitment was fixed within a long-term (3+1 years) state budget strategy that serves as the base for the state budget. Based on the commitment, the 2019 budget of the Chancellor of Justice was increased by 200 000 euros. For the year 2021, the budget was increased by an additional 100 000 euros. The added budget is currently sufficient to fulfil the new responsibilities of the Chancellor of Justice.

Reply to the issues raised in paragraph 10 of the list of issues

98. Estonia reports that since 18 February 2007, the Chancellor of Justice is the national preventive mechanism provided for in Article 3 of the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 1 September 2015, in the course of the restructuring of the Office of the Chancellor of Justice, a new department was established – the Inspection Visits Department, to assist the Chancellor of Justice in fulfilling the role of the national preventive mechanism (NPM). Currently, the Department employs 5 persons. Besides, the department actively involves medical and other experts in its inspection visits.

99. The Parliament passes the annual state budget as a law. The budget of the Chancellor of Justice is a separate part of the state budget – it is not part of the budget of any other body or institution and the Chancellor of Justice has absolute management and control over it in the boundaries set by the Parliament. There is a set of rules and procedures for all state-financed bodies for making proposals and amendments to their annual budgets for the next fiscal year. These amendments are first discussed between the Chancellor of Justice and the Minister of Finance and inserted into the draft budget proposal. Then, if necessary, the discussions will continue in the Parliament. During the last five fiscal years, the annual budget of the Chancellor of Justice has increased by almost 0.6 million euros, from 2 398 000 euros (2017) to 2 949 000 euros (2021).

100. The budget of the Office of the Chancellor of Justice is approved by the Chancellor of Justice based on the state budget (paragraph 42 subsection 1 of the [Chancellor of Justice Act](#)). The Director of the Office of the Chancellor of Justice shall prepare the budget project

and present it to the Chancellor and other members of the management of the Office (including the Head of the Inspection Visits Department) for discussions and approval. The breakdown of the Office's budget shall consider all the costs of the NPM activities, i.e. funds for the salaries, need for training, inspection visits, consultations and expert assessment, promotion and prevention, participation in networks and events, and other costs necessary for the effective functioning of the NPM.

101. Although the activity costs of the Inspection Visits Department are part of the overall budget of the Office, the Department has been provided with all necessary resources to carry out its tasks. The Department has also received additional funding to cover unexpected costs (e.g. for special personal protective equipment and PCR-testing to carry safely out inspection visits in the COVID-19 pandemic conditions). Over the years, financial resources allocated for the activities of the NPM in the budget of the Office of the Chancellor of Justice have increased proportionally with the overall budget of the Office.

Article 3

Reply to the issues raised in paragraph 11 (a) of the list of issues

102. With reference to the Committee's previous concluding observations (para. 15), Estonia reports the following. All persons who apply for international protection or who may be in need of international protection shall be granted access to such procedures. It is possible to submit an application for international protection in any Police and Border Guard Board unit. Applicants for international protection shall enjoy the rights as provided by the law, including the right to stay in Estonia until the final decision enters into force. All applicants for international protection shall be made aware of their rights and obligations in a language they understand orally in the framework of the application procedure for international protection. The applicant shall receive the same information in writing.

103. In addition, counselling for applicants for international protection is guaranteed from the moment of submission of their application to the end of the administrative procedure. Counselling provides for the legal and procedural information free of charge. The Police and Border Guard Board employs two advisers who offer comprehensive counselling throughout the whole procedure. If necessary, the advisers of the Police and Border Guard Board will advise and assist foreigners on applying for state legal aid for court proceedings. Procedural steps for international protection are accompanied by an interpreter of the language that the applicant clearly understands and can speak – usually it is the interpreter of the applicant's native language.

Reply to the issues raised in paragraph 11 (b) of the list of issues

104. The Police and Border Guard Board handles applications for international protection in accordance with the procedures laid down in national, EU and international law. Until the entry into force of the final decision, in the event of a negative decision on an application for international protection, the person has the right to remain in the country. Such process ensures judicial oversight of the legality of decisions taken by the Police and Border Guard Board on applications for international protection, including in the context of an expedited procedure.

Reply to the issues raised in paragraph 11 (c) of the list of issues

105. The Police and Border Guard Board assesses the signs and potential vulnerability of a person, including whether a person may already be a victim of torture upon receipt of an application for international protection, the assessment of special procedural or reception needs continues throughout the proceedings. In the event that there are indications that an applicant for international protection is belonging to a vulnerable group, Police and Border Guard Board shall contact the Social Insurance Board in order to co-direct the person to the services he or she might need.

Reply to the issues raised in paragraph 11 (d) of the list of issues

106. The Harku Expulsion Center is permanently closed. As of December 1, 2018, the Detention Center in Rae parish has become fully functional. The new center offers very good living conditions – decent lighting, ventilation, good washing facilities and suitable living quarters. There is a separate recreational area with modern equipment, a prayer room and opportunities for outdoor sports. There are separate male and female blocs and rooms for families and vulnerable persons. On the first floor, there are facilities for health care (doctor and nurse work there). Detainees are engaged in recreational activities; receive language training and legal counselling. The staff of the Detention Center receives systematic training on the asylum and return procedures.

Reply to the issues raised in paragraph 11 (e) of the list of issues

107. There have been new recruitments and trainings offered to the staff of the new Detention Center in Rae parish. Training courses have been organized for employees to improve communication techniques with the detainees, and to date, there have been no problems reported.

108. The personnel of the detention center has participated in various training sessions: complex communication situations, behavioral and communication psychology, influence skills in coping with inappropriate behavior, communication in complex situations, purposeful communication. In addition, all police officers participate annually in self-defense and security tactics training, which deals with techniques of direct coercion, proportionality of use and legal bases. The training emphasizes the importance of professional behavior and handling emotions.

109. In order to ensure that the officials of the Detention Centre are as aware as possible of the specificities of applicants for international protection, an 'International Protection Training Module for detention officials' has been established. This training module is available to all detention officials. In addition, in-service training in the field of international protection is also held annually for detention officials, e.g. the topics of injury assessment, changes in status of persons present in the center, aspects of the entry into force of appeal periods and decisions, the rights and obligations of the applicant for international protection, etc are covered.

Articles 5, 7 and 8**Reply to the issues raised in paragraph 12 of the list of issues**

110. Estonia reports that Estonia has not rejected any requests for extradition by another state of an individual suspected of having committed an offence of torture. Also, no such requests have been received by Estonian authorities.

Article 10**Reply to the issues raised in paragraph 13 (a) of the list of issues**

111. With reference to the Committee's previous concluding observations (para. 16), Estonia reports the following. Beyond feedback analyses of the trainings (where they may have been organised) there are no specific methodologies to evaluate the effectiveness and impact of the training and programmes provided to law enforcement and medical personnel, judges, prosecutors and persons working with migrants and asylum seekers regarding the absolute prohibition of torture and ill-treatment.

Reply to the issues raised in paragraph 13 (b) of the list of issues

112. Principles of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are integrated in the in the trainings for specialists involved in the diagnosis, documentation and investigation of allegations of torture and ill treatment. All allegations of torture and ill-treatment are thoroughly investigated.

Article 11

Reply to the issues raised in paragraph 14 (a) of the list of issues (CAT/C/EST/Q/6)

113. With reference to the Committee's previous concluding observations (CAT/C/EST/CO/5, para. 17), Estonia reports the following. Since the last report the new Tallinn Prison with adjacent detention facilities for police have been built and opened and several police detention houses have been renovated. In all respects the new facilities are in better accordance with high international standards. The old Tallinn Prison, facilities in Harku, and some police detention houses are no more in use.

Reply to the issues raised in paragraph 14 (b) of the list of issues

114. In 2015 amendments of the PC and CCP entered into force, expanding the possibilities for implementing electronic surveillance instead of detention:

- When sentenced to up to one year's imprisonment, the court may replace it with electronic surveillance (one day's imprisonment corresponds to one day's electronic surveillance);
- If an offender conditionally released from criminal punishment commits a new criminal offense during probation, the court may re-apply conditional release from combined punishment together with behavioral control by subjecting the offender to electronic surveillance.

115. In 2015, Estonia implemented re-entry services for offenders (mentoring, housing). Services are mainly directed for offenders upon their release from prison or after they are being released. Though re-entry services are also used as a measure for alternative to prison. For instance, in criminal cases the sentencing judge can decide to allocate defendant on probation with an obligation to participate in rehabilitation program as a part of housing service.

116. In 2019 an amendment of section 77 PC has entered into force pursuant to which it is possible to apply early release under probation on life prisoners after 25 years (previously 30 years) of the term has been served. Also, a life prisoner may be directed to open regime of prison after 23 years of the term has been served (section 20 (2) IA); it was previously not possible.

Reply to the issues raised in paragraph 14 (c) of the list of issues (c)

117. As reported, Tallinn Prison and Harku detention center have been moved to new and modern buildings in 2018 and renovation and modernisation of detention houses has continued as previously envisaged.

Reply to the issues raised in paragraph 14 (d) of the list of issues

118. The old Tallinn Prison is not in use any more and the Haapsalu detention facilities have been modernised.

Reply to the issues raised in paragraph 14 (e) of the list of issues (e)

119. A draft amendment to reduce solitary confinement has been under preparation. The number of juveniles kept in prison, either as convicts or remand detainees, has been constantly diminishing, in particular after an amendment of the CCP in 2016, aimed at reducing the terms and conditions of remand detention, and of the PC and CCP in force since 1 January 2018, reforming the criminal responsibility of juveniles.

Reply to the issues raised in paragraph 14 (f) of the list of issues

120. The prisoner can contact the internal control department, information and investigation department of the prison or the Department of Prisons of the Ministry of Justice, the Chancellor of Justice or any other relevant authority via letter. The right to confidentiality of messages is granted for each prisoner. Everyone has the right to confidentiality of messages sent or received by him or her by post or telephone.

Reply to the issues raised in paragraph 15 (a) of the list of issues

121. With reference to the Committee's previous concluding observations (para. 18), Estonia informs the Committee as follows. No disciplinary sanction can be imposed on the basis of insufficient language skills. In all prisons, there are organizers of the national language training, whose task is to identify the level of proficiency of the language of the prisoners, to motivate their learning, to teach and to coordinate courses. The acquisition of state language, basic, secondary and vocational education takes place in accordance with the national curriculum approved by the Ministry of Education and Research. The national language proficiency testing methodology, the standard of the official language of the prison, curricula and specially designed textbooks for prisoners have been developed.

122. All prisoners who have been sentenced for more than a year and whose mother tongue is not Estonian are also referred to a state language test during the assessment of risks. If the knowledge of the state language is incomplete, the study is planned to the individual sentence schedule of the prisoner. The official language training of prisoners is adult education, but the approach is somewhat different, because of the inadequate level of education of prisoners, low social coping skills, including problems in adhering to accepted standards in society. Prisoners are paid for studying the Estonian language starting from the level A2 at a rate of EUR 69.03 per month, of which 30% is paid during the course of study, and 70% after passing the study with a positive result.

Reply to the issues raised in paragraph 15 (b) of the list of issues

123. There is no progress to report.

Articles 12 and 13**Reply to the issues raised in paragraph 16 of the list of issues**

124. With reference to the Committee's previous concluding observations (paras. 11 and 23), Estonia refers to the data of reported offences provided elsewhere in the report.

Article 14**Reply to the issues raised in paragraph 17 of the list of issues**

125. With reference to paragraph 46 of the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties, Estonia is not able to provide information on redress and compensation measures ordered by the courts since the consideration of the last periodic report. For victim programmes, please see answer to paragraph 6 (d).

Article 16**Reply to the issues raised in paragraph 18 of the list of issues**

126. With reference to the Committee's previous concluding observations (para. 19), Estonia reports that after use of direct coercion with regard to a prisoner, a health care professional examines the state of health of the prisoner as soon as possible. The circumstances of use of direct coercion and the results of health examination are recorded. We point out that in relation to the problems related to prison officer violations the Internal Control Division (as an investigative body) of Ministry of Justice manages the activities of prisons. In case the traits of ill-treatment become evident, a criminal case is initiated on the basis of the respective article of the Penal Code and pre-trial proceedings are conducted by the police in cooperation with the Prosecutor's Office.

Reply to the issues raised in paragraph 19 (a) of the list of issues

127. With reference to the Committee's previous concluding observations (para. 20), Estonia reports the following. Estonia implements 24-hour special care service for adults placed in a care institution by court order for a period of up to one year as of the making of the court ruling. If the circumstances have not ceased to exist at the end of such term, the court may extend the term of the adult's care in a social welfare institution without his or her

consent (hereinafter care without consent) at the request of the rural municipality or city government of the adult's residence or his or her legal representative for up to one year at a time.

128. An adult is placed in a social welfare institution to receive the care without consent upon the existence of all the following circumstances:

- the adult has a severe mental disorder which restricts his or her ability to understand or control his or her behaviour;
- the adult is dangerous to himself or herself or others, if he or she is not placed in a social welfare institution to receive the 24-hour special care service; and
- the application of earlier measures has not been sufficient or the use of other measures is not possible.

129. If an adult is incapable of exercising his or her will, it is deemed that he or she has not granted his or her consent for the receipt of the service. The service provider shall ensure the availability of nursing care per 20 adults receiving the care without consent at least 40 hours a week. The service provider must ensure the availability of family physician and psychiatrist. The mentioned medical staff visits the care institution on site. If it is necessary to visit other medical specialists, the special care service provider must organize a secure visit.

130. Estonia requires supervisors, who work on these care institutions, to complete a special training plan. The training plan is established by a regulation of the Minister of Social Affairs. In addition, Estonia organizes additional trainings, eg trainings in 2021:

- Guidance on difficult-to-understand behaviors
- Dealing with aggressive behavior
- Counselling skills training for working with people with alcohol dependence.

Reply to the issues raised in paragraph 19 (b) of the list of issues

131. The provider of 24-hour special care service, at whom the adult receives care without consent on the basis of a court judgement, shall immediately notify the guardian of the adult or the rural municipality or city government of the adult's residence of the need to extend, suspend or terminate care in a social welfare institution without the adult's consent and append the opinion of a psychiatrist concerning the justification of the suspension, extension or termination of care in a social welfare institution without the adult's consent to the notification.

Reply to the issues raised in paragraph 19 (c) of the list of issues

132. The Mental Health Act (hereinafter MHA; entry into force 16.03.1997, last amendments 01.01.2019) regulates the procedure and conditions for provision of psychiatric care and the relationships with health care institutions which arise from the provision of psychiatric care, provides the duties of the state and local governments in the organisation of psychiatric care, and provides the rights of persons in receiving psychiatric care. General rule applicable is that psychiatric care is provided on a voluntary basis. The treatment of a person with a mental disorder without his or her informed consent is permitted only in the cases provided for in §§ 11 and 17 MHA. There is highly regulated regulation in place in the law.

133. According to the MHA while receiving psychiatric care, a person has the right to: receive information on his or her mental disorder, methods of treatment and diagnosis being used, and review his or her medical file, except if this may be harmful to his or her mental health or the safety of others. The decision to disclose information or grant the right to examine the medical file is made by the attending physician of the patient and the attending physician shall make a corresponding entry in the medical file of the person. At the same time, when a person has a legal guardian, then right to review the medical file of a patient by the legal guardian is not restricted.

134. According to the Law of Obligations Act § 766 section 4 in the case of a patient with restricted active legal capacity, the legal representative of the patient has the rights specified in subsections (1) (right to the information) and (3) (right to consent with medical treatment)

of this section in so far as the patient is unable to consider the pros and cons responsibly. The patient shall be informed of the circumstances and information to a reasonable extent (taken here into consideration whether such informing might be harmful to his or her mental health or the safety of others as prescribed in MHA).

Reply to the issues raised in paragraph 19 (d) of the list of issues

135. Higher education institutions in Estonia are responsible for the preparation and adaptation of study programs. The employer or professional association is usually responsible for in-service training. Committee's recommendations will be used to complement training programs and adapt in-service training. Estonia requires supervisors, who work on special care institutions, to complete a special training plan.

136. In addition Estonia organizes additional trainings, eg trainings in 2021:

- Guidance on difficult-to-understand behaviors
- Dealing with aggressive behavior
- Counselling skills training for working with people with alcohol dependence.

Reply to the issues raised in paragraph 19 (e) of the list of issues

137. The person subjected to penal proceedings has to be informed about suspicions or charges against him or her in a way that ensures knowledge of the suspicions or charges (section 34 (1 clause 1) CCP). If the person has a representative, which is mandatorily the case if the person's legal capacities have been limited, the representative has the same rights in the proceedings. Similarly the person's right to fair hearing and the right to defense are guaranteed. Under section 45 (2 clause 2) CCP the participation of counsel is mandatory for the entire course of criminal proceedings if due to his or her mental or physical disability, the person is unable to defend himself or herself or if defence is complicated due to such disability.

Reply to the issues raised in paragraph 19 (f) of the list of issues

138. Under the Chancellor of Justice Act, the Chancellor of Justice performs from 1 January 2019 the functions of promoting the implementation, upholding and monitoring of the Convention. The Chancellor of Justice ensures that all disabled persons can exercise their fundamental rights and freedoms on equal grounds with other persons. The Chancellor of Justice is independent in performing these functions. The Chancellor of Justice involves disabled persons in the performance of the functions, above all, via an advisory body.

Reply to the issues raised in paragraph 20 of the list of issues

139. With reference to the Committee's previous concluding observations (para. 21), Estonia reports that Estonia has adopted a new [Child Protection Act](#) (hereinafter CPA) that came into force on 1 January 2016 and explicitly prohibits corporal punishment of children in all settings. Subsection 24 (1) of the current CPA ("Prohibition of child abuse") clearly prohibits neglect of a child, mental, emotional, physical and sexual abuse of a child, including humiliation, frightening and physical punishment of a child, also punishment of a child in any other manner which endangers his or her mental, emotional or physical health.

140. It is specified in Subsections 24 (3) and (4) of the Act that it is not a case of child abuse for the purposes of the Act if the child's behaviour poses a direct and immediate threat to the life or health of the child or to the life or health of other people and the threat cannot be prevented, including by way of conversation, convincing or verbal reassurance and due to that the person raising the child, the person working with the child and child protection official must apply physical strength to an extent which does not cause physical, mental or emotional damage to the child and inflicts the rights and freedoms of the child the least. Physical strength for the purposes of the Act may only be applied to restrict the child's moving or movements to an extent proportional to and the least necessary for the elimination of the risk threatening the child or originating from the child. Physical strength may not be used for the purpose of punishment.

141. According to the CPA, local government shall exercise state supervision over compliance with the requirements provided for in subsection 24. Additionally, the Social Insurance Board shall exercise state supervision over compliance with the requirements provided for in Subsection 24 (3) CPA, i.e. over the authorized use of physical strength towards a child by the person raising the child, the person working with the child and child protection official to eliminate the risk threatening the child or originating from the child.

142. In addition, already prior to 2016 physical abuse of children was and currently is prohibited under section 121 PC, which provides that causing damage to the health of another person and physical abuse which causes pain is punishable by a pecuniary punishment or up to one year's imprisonment. The same act if it causes health damage which persists for at least four weeks, is committed in a close relationship or relationship of subordination, or is committed repeatedly, is punishable by a pecuniary punishment or up to five years' imprisonment. The same acts are punishable also if committed by a legal person.

Other issues

Reply to the issues raised in paragraph 21 of the list of issues

143. Regarding the measures taken by Estonia to respond to any threats of terrorism and how those measures have affected human rights safeguards in law and in practice, Estonia reports that Estonia's response to terrorism threat corresponds to its international obligations and due care is taken to avoid any risks to human right guarantees of any person suspected, accused, or punished in relation to terrorist offences. There are no special rules regarding the treatment of persons subjected to penal proceedings in relation to terrorist offences.

General information on other measures and developments relating to the implementation of the Convention in the State party

Reply to the issues raised in paragraph 22 of the list of issues

144. Regarding any other relevant legislative, administrative, judicial or other measures taken to implement the provisions of the Convention, Estonia reports the following. In the [Estonian Strategy of Children and Families 2012-2020](#) one of the five strategic objectives was providing support to positive parenting. In line with that objective, action was taken and resources were allocated to promote positive parenting practices and develop support services for parents, with the aim to decrease harsh parenting practices and also corporal punishment of children. For this work, a new Families and Parent Education Unit was set up in the National Institute of Health Development. Since 2017 the evidence-based parenting programme "Incredible Years" is implemented in Estonia and financed from the state budget.

145. The new CPA that came into force in 2016 explicitly provides children staying in child care institutions the right to submit opinions and complaints concerning the activity of the child care institution. According to Section 36 CPA, a child staying in a child care institution shall have the right, independent of anyone, to contact the person raising the child, the child protection official of the local government of the child's residence entered in the population register, and the Chancellor of Justice and to submit opinions and complaints thereto concerning the activity of the child care institution. The child care institution shall create conditions which help to ensure that right of the child.

146. Furthermore, the child care institution shall ensure the independent opportunity for the child to submit opinions and complaints concerning the activity of the child care institution. The child care institution shall record the opinions and complaints of the child and provide immediate feedback to the child thereon. If necessary, changes in the organisation of the everyday life of the child care institution or another important sphere of life of the child shall be prescribed. The child care institution shall not disclose the identity of the child having submitted an opinion or complaint about the child care institution or the fact of submission of complaint, except for in proceedings of an offence. The Social Insurance Board shall exercise state supervision over compliance with these requirements.

147. In Section 35 CPA, a child care institution is defined as a state or local government agency, a legal person in public or private law or a natural person who provides social,

educational or in-patient health services for children on the basis of the law or other legislation.

148. The child helpline 116 111 has been available in Estonia since 2009, but since 2016 the helpline is a state service operated by the Estonian Social Insurance Board. The child helpline is available to all children and adults 24/7 free-of-charge to notify about incidences or suspicion of child abuse, receive initial counselling and instructions for seeking further help. If the child is in need of help or in danger, the child helpline will immediately notify the child's municipality of residence in order to initiate assessment of the child's needs and take necessary measures.

149. In 2017 the Barnahus service model (Children's House) was launched in Estonia to help child victims of sexual abuse. The children's house service provides child-friendly and multi-disciplinary services to child victims of sexual abuse. Currently there are three children's houses in different parts of Estonia, operated by the Social Insurance Board, and there are plans to open another by 2022. In the children's houses different specialists such as child protection officials, the police, prosecutor, doctors, psychologists and others work together to ensure the welfare of sexually abused children. The children's houses carry out initial assessment of the child's situation, coordinate the assistance to victims, provide a child-friendly setting for child interviews and support the local child protection officers in providing necessary assistance and services to the child and its family.
