



## Gender-Based Violence against Women and Girls (GBVAW)

**Submitted by:** Women's Support and Information Centre NPO and The Advocates for Human Rights

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**Summary:** Current legislation in Estonia has significant gaps in addressing GBVAW. Victim-survivors face significant challenges in accessing legal and support services, and protective orders, though formally applied, are not effectively enforced in practice. A lack of training for law enforcement officers and lack of practical cooperation between police and other institutions further impacts victim-survivors' safety and ability to access services. Women with disabilities may face hurdles in accessing support, with no systematic protocol for disability-sensitive communications, gaps in disability-disaggregated data, and barriers to inclusive service delivery.

### Estonia's legislation insufficiently protects victim-survivors of sexual violence.

- Although sexual violence offenses have increased 32.9% since 2021, rape remains underreported. When victim-survivors do report the crime, a proceeding may not be initiated, likely be terminated, or end in an acquittal. The Penal Code provides a comprehensive definition of rape, but it fails to explicitly define consent.
- Procedural safeguards place a disproportionate burden on victim-survivors to prove that sexual violence occurred. These provisions favor the accused by allowing them to refuse to testify and requiring any doubts regarding presented evidence to be interpreted in their favor.
- While Article 44 of the Law Enforcement Act allows police to issue emergency barring orders, they are often short-term, limited to 12 hours, and applied without linking to criminal proceedings. This leaves survivors vulnerable to retaliation, provides insufficient protection, and undermines confidence in law enforcement.

### Significant systemic gaps exist in responding to GBVAW cases.

- Gender-bias and victim-blaming by law enforcement discourage victim-survivors from reporting abuse, as officers often misinterpret victim-survivors' behaviours, view domestic violence (DV) as a private matter, and place responsibility on the victim-survivor, fostering distrust in authorities and allowing perpetrators to remain unaccountable.
- Police academies do not offer mandatory training on GBVAW, leaving officers without a fundamental understanding of DV. Existing training is limited, fragmented, and rarely trauma-informed. The absence of clear, standardized guidelines or protocols for handling DV cases results in inconsistent identification and response.
- Limited resources and staff overload, coupled with the lack of specialized DV units and weak cooperation with social workers, victim support services, and the prosecutor's office, contribute to uneven response and reporting across the country, undermining victim-survivors' safety and well-being.

**Women with disabilities who experience GBVAW face compounded structural barriers in accessing support services.**

- Frontline officers are unprepared to accommodate women with diverse abilities, and the absence disability-disaggregated data makes the scale of violence against women with disabilities largely invisible, preventing tailored policies, protective measures, and effective responses, leaving victim-survivors more vulnerable to abuse.
- Women with disabilities face physical, social, institutional, and attitudinal obstacles in shelters and support services, compounded by undertrained staff, insufficient municipal resources, and bureaucratic hurdles in social protection.
- Weak funding and policy leave civil society organizations responsible for protecting women with disabilities, while laws and equality strategies, such as Gender Equality Act and other anti-discrimination statutes, fail to address the intersection of gender and disability, leaving them vulnerable to violence, exclusion, and lack of justice.

**Recommendations**

- Amend the Penal Code, including Article 141, to align with the Istanbul Convention and international standards by establishing a consent-based definition of rape. Modify Articles 7.1 and 34 of the Code of Criminal Procedure, to shift the burden of proof from demonstrating resistance to establish whether consent was freely given.
- Implement mandatory, continuous training police, prosecutors, and judges on GBVAW, using gender-sensitive, trauma-informed, and disability-sensitive approaches. Training should be led by or done in consultation with specialized NGOs that serve and best understand victim-survivors' needs.
- Strengthen the human, technical, and financial resources of the police stations across Estonia, especially in rural areas, to improve coverage of the joint rapid response unit to prevent DV. Ensure effective inter-agency cooperation across frontline actors to provide victim-survivors with improved case management and support.
- Speedily amend Article 44 of the Law of Enforcement Act to extend the duration of the emergency barring order from the current 12 hours minimum to 72 hours, in line with international standards.
- Ensure timely and effective issuance, enforcement and monitoring of emergency barring orders, in cases of domestic violence, and impose adequate deterrent penalties for non-compliance with such orders.
- Adopt and implement disability-sensitive protocols for police, prosecutors, and frontline justice actors to ensure effective communication and accessibility for women with disabilities at every stage of proceedings.
- Collect disability-disaggregated data in police and justice records on incidents of gender-based violence, ensuring confidentiality and ethical safeguards, to make visible the prevalence and characteristics of violence against women with disabilities.
- Guarantee accessibility of shelters and victim support services (physical accessibility, adapted communication tools, staff trained in disability-sensitive support), and allocate earmarked resources for these adjustments.
- Strengthen national policies and strategies on gender-based violence to explicitly address the intersection of gender and disability, recognizing women with disabilities as a distinct target group.