

GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

NATIONAL FIELDWORK REPORT

Country: Estonia

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1. INTRODUCTION

Prior to 2020, when a special study was published (“Gender based and sexual harassment in higher education”¹) harassment or GBV in universities or RFOs had not been focused on in Estonia before. No such studies have been carried out.

Relying on this above mentioned and most recent study, prevention and sanctioning of harassment are predominantly either unregulated or regulated as part of a general code of ethics or other regulation of conduct. Of the six universities in Estonia, only the University of Tartu has developed a rule of equal treatment for harassment, which has been in force since 2016, and which also describes clear procedures for reporting harassment and bullying. The prohibition of discrimination is also provided in the university’s Rules of Procedure. In their responses, Tallinn Technical University and Estonian Arts Academy refer to the university's code of ethics, which sets out the procedures for resolving conflicts within the university, which also includes cases of harassment. Tallinn University proceeds in such cases from the study organization rules and the Employment Contracts Act. Estonian Academy of Music and Theatre and the Estonian University of Life Sciences did not set out the rules based on which harassment cases are handled. The University of Tartu is the only Estonian university with a separate equal treatment guide defining harassment. The guide was developed in 2016 based on the Equal Treatment and Gender Equality Acts. It underwent internal coordination round and external consultations and was also featured in a university newspaper. It is worth mentioning that at that time, there was also the first case of harassment in Estonia that received media attention, which took place at the University of Tartu.

The results of the survey showed that harassment was considered a major problem in their higher education institutions by people who also had personal contact with harassing cases. Among the interviewees were also those people who, in their opinion, have a high rate of harassment in society, but there are fewer such cases in universities compared to other fields. These people felt safer in universities than in society as a whole; they do not believe that they could fall victim to harassment in higher education. Compared to men, women perceived gender and sexual harassment as a bigger problem in higher education.

Intimate relations between lecturers and students are not regulated in Estonian universities or are recommended. The rules focus mainly on sanctions. Prevention and awareness-raising, with

¹ Federation of Estonian Student Unions. (2020). Gender based and sexual harassment in higher education [Sooline ja seksuaalne ahistamine kõrghariduses]. <https://eyl.ee/wp-content/uploads/2020/02/Sooline-ja-seksuaalne-ahistamine-k%C3%B5rghariduses.pdf>



a few exceptions, are not intended. As a rule, universities have done little to communicate terms, rules, procedures, etc., to students and staff. The procedural processes of universities are in theory flexible and confidential, but in practice, they are not perceived as such. University representatives can describe the ideal course of the process, but the survey shows that students perceive that their experience is diminished or not taken seriously.

At the same time, throughout the group and individual interviews, it became clear that both students and university staff are not sure what harassment means, how to behave in the development of intimate relationships within the university, and what are the resources and processes within the university.

2. MAPPING OF POLICIES AND LEGAL FRAMEWORKS

- The laws, policies, and strategies that exist at different levels (national level, regional level, RFOs);

The survey “Sexual harassment in the higher education sector. National policies and measures in EU Member States and Associated Countries”² asking whether or not Estonia has specific measures in place, or whether specific activities have been introduced to address or combat gender-based violence in academia, reveals that gender-based violence in academia is not high on the agenda at the national level. Among the eleven countries of the same study, Estonia has not adopted national policies to address gender-based violence in academia and does not have any up-to-date data on the prevalence³. Likewise, Estonia is among the EU countries with only one or zero actors – among national authorities, higher education sector, national RFOs, national umbrella organisations – that have worked as a cohesive unit to combat gender-based violence in academia. Now we know that only one actor is the University of Tartu with their guidelines for equal treatment.

From a more general perspective, any law that could be applied in connection with dealing with GBV in universities and research organisations at a national level is the Gender Equality Act⁴. Article 10 of the Act states:

Educational and research institutions and institutions engaged in the organisation of training shall ensure equal treatment of men and women in vocational guidance, acquisition of education, professional and vocational development and re-training. The curricula, study materials used and research conducted shall facilitate abolishment of the unequal treatment of men and women and promote equality.

Similarly, the Article 13 of the Equal Treatment Act⁵ states that:

² European Research Area and Innovation Committee. (2020). Sexual Harassment in the Research and Higher Education Sector: National Policies and Measures in EU Member States and Associated Countries. https://genderaction.eu/wp-content/uploads/2020/06/SWGGRI_Sexual-Harassment-in-the-Research-Higher-Ed.-National-Policies-Measures.pdf

³ Except for the newest 2020 study expanded in Grid section: Federation of Estonian Student Unions. (2020). Gender based and sexual harassment in higher education [Sooline ja seksuaalne ahistamine kõrghariduses].

⁴ *Gender Equality Act 2004*. <https://www.riigiteataja.ee/en/eli/516012019002/consolide>

⁵ *Equal Treatment Act 2008*. <https://www.riigiteataja.ee/en/eli/503052017002/consolide>



Educational and research institutions and other entities and persons organising training shall, upon determination of the content of studies and organisation of studies, take account of the need to promote the principle of equal treatment.

The only policy that directly tackles GBV at the academic level is the guide adopted by the University of Tartu.⁶ The introductory part of the document states the following:

The aim of these guidelines is to provide an overview of the topics related to equal treatment and workplace bullying, give employees and students clear instructions on how to inform about a violation of the principles of equal treatment and describe the procedure of resolving discrimination and bullying cases.

- The main actors/stakeholders;

The most active actors/stakeholders have been the parts of academia itself: the universities. Among the latter, the University of Tartu has been the only one who has specific guidelines to combat GBV.

In addition, the Ministry of Social Affairs.⁷ has supported various projects, ten in the period of 2013-2016, that focus on domestic and gender-based violence. The recipients of the support, however, do not have universities or RFOs in their programs. The topics covered include shelters for women, trafficking in human beings, general awareness campaigns of sexual violence etc.

- An expert assessment of the extent to which the national and/or regional as well as RFO policies have an impact on the organisational level of HEIs and RPOs in the country;

National/regional or RFO policies have had a minimal impact on the organisational level of HEIs and RPOs in Estonia. There are overarching national laws that forbid in general terms any forms of discrimination and harassment, but it seems that special policies designed by HEIs and RPOs to fight GBV have arisen mainly due to the growing number of instances of sexual harassment within the walls of academia itself than pressure levied by other authorities, national or regional.

- Other relevant activities to combat GBV in universities and research organisations (national and regional level, RFOs);

No meaningful activities at this point.

⁶ The University of Tartu. (2016). Guidelines for equal treatment. https://www.ut.ee/sites/default/files/www_ut/ulikoolist/guidelines_for_equal_treatment.pdf

⁷ Ministry of Social Affairs. (2021). Supported projects. <https://www.sm.ee/et/toetatud-projektid-2#Soop%C3%B5hise%20v%C3%A4givala%20v%C3%A4hendamine>



- The role of RPOs in providing knowledge on GBV, and whether and how GBV is included as a topic in relevant curricula and in teaching in universities (e.g., medicine, police and the army, etc.).

Again, building on the study by the Federation of Estonian Student Unions⁸, the University of Tartu has provided training in recognizing, addressing, or resolving harassment, including from the perspective of equal treatment and gender discrimination. The rest of Estonian universities have not organized training specifically aimed at preventing harassment. At the same time, universities emphasize that it is possible that these issues will be addressed in various training courses in the working environment. In one specific case, the handling of harassment cases has been discussed in the management of Estonian Arts Academia. As a preventive measure, the University of Life Sciences has organised an annual health day with lectures on psychosocial risk factors and annual reviews of the work environment. In addition, the University of Tartu presented training for those responsible for the working environment as well as employees and students as prevention activities. Also, the university offers students the opportunity to take courses on equal treatment, such as "The role of law in achieving (gender) equality", "Gender-based violence", "Gender balance in society: analysis and solutions". At the same time, it is not clear in the case of either University of Tartu or the University of Life Sciences that these are separate steps taken by the university and not a reinterpretation of pre-existing activities and courses. To sum up, Estonian universities do not have prevention or awareness-raising activities that are consistent (e.g., annual), cover the entire university or empower grassroots initiatives. A partial exception is the University of Tartu, where equal treatment is discussed in the new employee's roundtable "University today and tomorrow" and in the annual development program of the head of the university. Activities that raise or support student awareness are almost non-existent in universities.



3. DEBATES REGARDING #METOO AND THE ISTANBUL CONVENTION

There have been no debates connected to the #MeToo movement or the Istanbul Convention that would specifically relate to universities and ROs. However, several legislative acts were amended during the Istanbul Convention ratification process in 2014-2017. The regulation of victim support was renewed to the greatest extent – common requirements for providing support services were established, and the funding of support services, in general, was reorganised. The Penal Code was also amended, with new necessary elements of an offence being added: female genital mutilation, sexual harassment, harassing pursuit and marriage against will.⁹

⁸ Federation of Estonian Student Unions. (2020). Gender based and sexual harassment in higher education [Sooline ja seksuaalne ahistamine kõrghariduses]. <https://eyl.ee/wp-content/uploads/2020/02/Sooline-ja-seksuaalne-ahistamine-k%C3%B5rghariduses.pdf>

⁹ Marianne Meiorig. (2018). Gender Equality. In *Human rights in Estonia 2016-2017*. Human Rights Centre. <https://humanrights.ee/en/materials/inimoigused-eestis-2016-2017/sooline-vordoiguslikkus/>

4. PUBLIC OPINION ON GBV

There are no relevant national public opinion surveys carried out about GBV in universities and ROs.

From a broader perspective, the study on gender and sexual harassment in the workplace, carried out by Praxis¹⁰ was one of the first studies that dealt with harassment so thoroughly in the Estonian context. Gender Equality Monitoring 2016¹¹ is basically a report of population survey that regrettably mapped only people's opinion about physical violence out of all forms of GBV. According to the monitoring, physical disciplining of a partner is generally considered impermissible, and it does not matter whether it is the use of physical violence against a male or female partner.

The Estonian government has produced a strategy document "Violence prevention strategy for 2015-2020"¹², which covers violence between children, child abuse, domestic violence (intimate partner violence), sexual violence, and trafficking in human beings. There it is stated that one-fifth of Estonian women aged 15-74 have been victims of physical and/or sexual violence from a partner since the age of 15, which is like the European average (22%). Almost every third Estonian knows a woman within her/his family and friends who have been a victim of some kind of domestic violence.

5. IMPACT OF COVID-19 ON DISCUSSIONS ABOUT GBV

COVID-19 has not entered as a factor in the discussions about GBV in universities and ROs.

6. CONCLUSION

A national legal framework to combat GBV has been set by several legislative acts. The problem is how to motivate and provide incentives for all the stakeholders, including universities and RFOs, to fully implement the legal ideas in real life. The state does not want to regulate the legal field too much and expects every institution to do its part. However, if the latter do not sense the urgency or deem the topic a high priority, then no speedy developments can be expected in the near future. There are, of course, ways forward. In fact, the study "Gender based and sexual harassment in higher education" (2020) provides a set of recommendations on how to proceed more efficiently and effectively. They are as follows:

¹⁰ Praxis. Center for Policy Studies. (2014). Gender and sexual harassment in the workplace [Sooline ja seksuaalne ahistamine töökohal]. http://www.praxis.ee/wp-content/uploads/2014/03/sooline_ja_seksuaalne_ahistamine_tookohal_veebi.pdf

¹¹ Turu-uuringute AS. (2016). Gender Equality Monitoring [Soolise võrdõiguslikkuse monitooring 2016]. Ministry of Social Affairs. https://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Uuringu_ja_analuusid/Sotsiaalvaldkond/soolise_vordoiguslikkuse_monitooringu_raport_2016.pdf

¹² Government of the Republic of Estonia. (2014). Violence prevention strategy for 2015-2020 [Vägivalla ennetamise strateegia 2015-2020].

https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/vagivalla_ennetamise_strateegia_aastateks_2015-2020_toodokument_13.11.pdf



- Universities should publicly express zero tolerance for sexual and gender-based harassment. If an incident of harassment occurs and can be proven, the harasser should be punished.
- Universities should conduct thorough, objective handling of complaints that would prevent premature conclusions and avoid further trauma to the victim.
- In prevention work, universities are encouraged to consider a possible complaint and case resolution procedure with guidelines and rules introduced to the school family.
- Prevention work should also include general education and awareness-raising on gender and sexual harassment for teachers, students and university professionals working with victims.
- Improvement of student support services, for example, before a complaint is made, consultation both with psychologist and legal adviser would be recommended.
- It is recommended that the complaint be filed within the university, but definitely to an impartial university employee who is in a separate structural unit, in order to mitigate fears of the university covering the case.

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