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Awareness of Violence as a Prerequisite for Prevention of Domestic Violence

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Domestic violence is widespread in Estonia, – every second violent crime committed in Estonia is a domestic violence crime. Domestic violence offences include offences against the person (except offences against the deceased), robbery and aggravated breach of public order under the Penal Code, violence committed between current or former spouses, cohabiting partners, partners, and it may also include violence between relatives or siblings, irrespective of whether the perpetrator lives or has formerly lived in the same dwelling with the victim. Domestic violence is a human rights problem that undermines people’s right to liberty, security, dignity, mental and physical integrity and non-discrimination. It causes great suffering to the victim and his or her loved ones, and harm to society (medical costs, loss of working capacity, deterioration in people’s quality of life, etc.).

According to the author, the main prerequisite for the prevention of domestic violence is the awareness of violence as violence. Recognition of violence as such would also contribute to reducing stereotypical attitudes and victim-blaming in society.

Keywords: violence, domestic violence, awareness of violence, prevention of domestic violence.

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Introduction

In Estonia, the police receive reports of more than 40 cases of domestic violence every day, and in every fourth case (nearly 30% of domestic violence crimes) a child is either a victim or a witness. It is important to note that, according to the Istanbul Convention¹, children are also victims of domestic violence if they are witnesses of domestic violence. The statistics on domestic violence in Estonia (Table 1) clearly show that the number of cases of domestic violence has remained high over the years.

Since 2011, the proportion of domestic violence crimes has been steadily increasing, both as a proportion of all crimes and as a proportion of all violent crimes.² In the last five years, at least 46 people have lost their lives to domestic violence in Estonia.³ Domestic violence has been the cause of at least 46 deaths.

More important than dealing with the consequences of violence, including domestic violence, is the prevention of any kind of violence, the main prerequisites for which, according to the author, are an awareness of what violence means, an understanding of the dangerous nature of domestic violence, and the seriousness of the various forms of domestic violence. Attitudes and mindsets are the key words here. Attitude is understood as “a persistent, stereotyped disposition or predisposition to react in a certain way. An attitude may be a particular state of mind, an expectation, a system of attitudes, which is shaped by a person’s prior social and/or practical experience.”⁴ A person’s attitude towards a particular good (e.g., life and health, other people’s property, public order, etc.) is expressed in his or her corresponding attitude. Attitudes have a cognitive dimension, which relates to the beliefs and ideas that a person has about the subject of the attitude. One element of the structure of attitudes is the cognitive element, which is largely made up of knowledge. However, what is meant here is not so much legal knowledge, but mainly and primarily the knowledge of the existence and content of socio-legal values. The aim of this article is to highlight the factors that determine the need to raise the population’s awareness of violence, using Estonian society as an example. The article uses data from the 2019 survey of the Estonian population conducted by the Estonian Open Society Institute and the Faculty of Law of the University of Tartu. The author of this article was one of the authors of the survey and one of the authors of the questionnaire.

Table 1. Registered domestic violence offences in Estonia 2011–2020⁵

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
1939	2231	2752	2721	2997	3017	2632	3607	4119	3987

¹ Naistevastase vägivalda ja perevägivalda ennetamise ja tõkestamise Euroopa Nõukogu konventsioon [Istanbul Convention. Action against violence against women and domestic violence]. Preamble. Istanbul, 11.V.2011. Available: <https://www.riigiteataja.ee/akt/226092017002> [last viewed 15.01.2022].

² Kuritegevus Eestis 2015 [Crime in Estonia 2015]. Justiitsministeerium. Tallinn 2016, lk 34. Available: http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/kuritegevus_eestis_2015.pdf [last viewed 15.01.2022].

³ Kuritegevus Eestis 2019 [Crime in Estonia 2019]. Available: <https://www.kriminaalpoliitika.ee/kuritegevuse-statistika/perevagivald-ja-ahistamine.html> [last viewed 17.01.2022].

⁴ *Bachmann, T., Maruste, R.* Psühholoogia alused [Basics of psychology]. Tallinn 2008, lk 79.

⁵ Kuritegevus Eestis [Crime in Estonia] 2011; 2012; 2013; 2014; 2015; 2016; 2017; 2018; 2019; 2020. Justiitsministeerium [Ministry of Justice]. Selle artikli kirjutamise ajal ei olnud 2021.a kuritegevuse statistika veel avaldatud. (At the time of writing this article, crime statistics for 2021 had not yet been published).

1. What has been done in Estonia to prevent domestic violence?

Estonia does not have an independent law on the prevention of domestic violence, which may be one of the reasons why with the country predominantly deals with the consequences of violence rather than its prevention. Also, there are few people working in Estonia in the field of domestic violence prevention, rehabilitation of victims and correction programs for perpetrators of violence: there are only 28 specialists working in the field of victim support all over Estonia, 13 shelters for women have been set up, and there are a few NGOs providing counselling services, which are not enough to address the problem on a national scale.

On a positive note, despite the fact that the vast majority of victims of domestic violence are female, there is also a counselling centre for men in Estonia: in 2010, the Tallinn Women's Crisis Home opened a counselling centre "Ava silmad" ("Open Your Eyes"), where, in addition to women suffering from domestic violence, free initial counselling was also offered to men who have suffered domestic violence.⁶ The NGO "Meeste Kriisikeskus" ("Men's Crisis Centre"), founded in 2011, offers a victim support service specifically for men.⁷ The men who have experienced domestic violence can also receive counselling from the EELK Family Centre, which opened in 2014.⁸

So far, Estonia has been guided by two strategy documents in the prevention of violence: the first one, the Development Plan for Reducing Violence⁹, which focused specifically on the prevention of violence, was in force in 2010–2014, and the second one, the Violence Prevention Strategy – in 2015–2020¹⁰. For the period 2021–2025, a Violence Prevention Pact was developed, which aims to continue to develop anti-violence policies in partnership between sectors and based on well-targeted objectives and firm agreements. The agreement was prompted by the fact that Estonia's strategic planning framework does not foresee a separate sectoral development plan and programme for violence prevention, but the need for cross-sectoral agreements remains topical. The Government Coalition Agreement 2021–2023¹¹ includes an important objective to enhance the prevention and reduction of violence, and the Government Action Programme 2021–2023¹² foresees the drafting of a Violence Prevention Agreement. The drafting of a separate plan to prevent violence, especially violence against children, women and families, and trafficking in human beings, has

⁶ Ka ahistatud mehed saavad varjupaigast abi [Harassed men also receive help from the shelter]. Delfi, 21.10.2010. Available: <http://www.delfi.ee/news/paevauudised/eesti/ka-ahistatud-mehed-saavad-varjupaigast-abi?id=34118637> [last viewed 16.01.2022].

⁷ Meeste Kriisikeskus MTÜ [Men's Crisis Centre]. Available: <https://www.inforegister.ee/80335660-MEESTE-KRIISIKESKUS-MTU> [last viewed 16.01.2022].

⁸ vt EELK Perekeskuse koduleheküljelt (see: Homepage of the Estonian Evangelical Lutheran Church). Available: <http://perekeskus.eu/eelk-perekeskuse-avamine/> [last viewed 16.01.2022].

⁹ Vägivalla vähendamise arengukava [Development Plan for the Reduction of Violence]. Available: <https://www.kriminaalpoliitika.ee/et/vagivalla-ennetamise-strateegia/vagivalla-vahendamise-arengukava-2010-2014-materjalid> [last viewed 16.01.2022].

¹⁰ Vägivalla ennetamise strateegia [Violence Prevention Strategy]. Available: https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumentid/vagivalla_ennetamise_strateegia_aastateks_2015-2020.pdf [last viewed 16.01.2022].

¹¹ Valitsuse moodustamise kokkulepe aastateks 2021–2023 [Agreement on the formation of the government 2021–2023]. Available: <https://www.valitsus.ee/valitsuse-eesmargid-ja-tegevused/valitsemise-alused/koalitsioonilepe> [last viewed 16.01.2022].

¹² Vabariigi Valitsuse tegevusprogramm 2021–2023 [Action Programme of the Government of the Republic 2021–2023]. Available: file:///C:/Users/skaugia/Downloads/2021.02.23_Vabariigi%20Valitsuse%20tegevusprogramm%202021-2023.pdf [last viewed 16.01.2022].

also been recommended in a number of international documents (e.g., Council of Europe conventions). The agreement is the basis for the design and implementation of policies and actions to prevent violence. It is intended for policy makers, practitioners and all those in the public sector, local authorities, voluntary and private organizations who wish to promote non-violence. In order to implement the agreement, its specific activities will be included in the programmes of the different sectors (e.g., rule of law, internal security, welfare, health, education, youth, etc.) and in the work plans of the responsible authorities. The programmes will also provide the necessary resources for the implementation of the activities. The agreement was drawn up by the Ministry of Justice in cooperation with a wide range of partners, victim support organizations and practitioners in the field, taking into account expert assessments and recommendations from international organizations, as well as the results of research and the implementation of the existing violence prevention strategy. The agreement will be approved by the Government of the Republic. Every year, an assessment is made of the need to renew the agreement. The implementation of the agreement is coordinated by the Ministry of Justice through the Violence Prevention Steering Group, to which the responsible authorities – the Ministry of the Interior, the Ministry of Social Affairs, the Ministry of Education and Science, the Ministry of Culture and other ministries together with the institutions of the administration – appoint a representative, and more broadly through the Violence Prevention Network, which includes partners working on violence prevention from NGOs, representative organizations, educational and health institutions and elsewhere. The Ministry of Justice regularly monitors the implementation of the Non-Violence Agreement and ensures the exchange of information between non-violence professionals and stakeholders.

2. Documents highlighting the need to raise awareness of violence

Effective prevention can be based on awareness and elimination of potential danger signs that could develop into domestic violence. Article 12 of the Istanbul Convention, which obliges the Parties to the Convention to take the necessary measures to promote changes in the socially and culturally determined behaviour of women and men in order to eradicate prejudices, customs, traditions and practices which are based on the devaluation of women and on stereotyped roles for women and men, also points to a fundamental measure. This is a principle that must find expression at both national and societal level. It is important to note here that Estonia has acceded to the Istanbul Convention: Estonia became the 37th country to accede to the Convention¹³. The Estonian Parliament, the Riigikogu, ratified the Convention on 20 September 2017.

Article 13 of the Istanbul Convention refers to the need to raise awareness:

1. *Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programs, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organizations, especially women's organizations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.*

¹³ Justiitsminister allkirjastas Istanbuli konventsiooni [The Minister of Justice signed the Istanbul Convention]. Available: <http://www.just.ee/et/uudised/justiitsminister-allkirjastas-istanbuli-konventsiooni> [last viewed 16.01.2022].

2. *Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.*

3. How recognizable is violence?

The 2019 Estonian Population Survey suggests that violence is not always easy to recognize. The responses of survey respondents to the question of what forms of violence are considered violence were surprising in two ways. Firstly, it was certainly surprising that all of the behaviours we proposed (grossly insulting or humiliating the spouse (partner), forbidding the spouse (partner) to go to work, restricting or forbidding the spouse (partner) to communicate with friends/relatives, depriving the spouse (partner) of his/her personal money, putting the spouse's (partner's) property in his/her own name, not paying maintenance) were not considered violent, whereas intimidating the spouse (partner) into violence if he/she does not obey orders, using physical force against the spouse (partner), torturing the spouse's (partner's) pet, sexual intercourse against the spouse's (partner's) will, using physical force to force the spouse (partner) into sexual intercourse, – the actions which are considered to be intimate partner violence, are also considered to be such by the majority of respondents. The statement that these acts constitute violence was agreed with, as follows: behaviours considered the least violent by all respondents were non-payment of alimony (51%), severe insults, humiliation (57%) and refusal to allow the partner to work (58%); the most violent were sexual intercourse against the spouse's (partner's) will (80%), the use of physical force (hitting) and the use of physical force to force the spouse (partner) into sexual intercourse. All the forms of violence indicated in the questionnaire were perceived as more violent by women than by men – by as much as 10–20 percentage points.

The second surprise relates to the fact that a relatively high proportion of respondents do not recognize the violence of violent acts. For example, 8% of respondents consider that taking away a spouse's (partner's) personal money, 11% that forbidding a spouse (partner) to work, 8% that putting a spouse's (partner's) property in one's own name are not considered acts of violence. It is also worrying that 4% of respondents consider that intimidating a spouse (partner) with violence (Table 2), 3% consider that using physical force against a spouse (partner) (Table 3) or using physical force to force a spouse (partner) into sexual intercourse (Table 4), as well as sexual intercourse against the spouse's (partner's) will (Table 5) are not acts of violence. This view is expressed by both men and women, respondents from all age groups between 15–75+ years and respondents of different nationalities. It is also striking that a relatively high percentage of respondents were unable to say whether the act of violence was violence or not. Assessing the reported acts of violence as violent or non-violent proves more difficult as people get older, with the response option “don't know” being chosen more frequently by the 75+ age group. Ethnically, Estonians selected this response option less than other nationalities. A gender comparison shows that men are more likely to agree that these acts do not amount to violence or that they do not know how to assess the act in terms of violence.

This may be one of the reasons why domestic violence is a largely latent crime. In Estonia, one in four cases of domestic violence brought to the police, or 25% of all cases, end up in court. The stereotypical perception in society that women are guilty of domestic violence even if they are the victims certainly plays a role in the victim not informing the police or withdrawing the complaint. As of today,

Table 2. Intimidating a spouse (partner) with violence if he/she does not obey orders (%)

	Gender		Age					Ethnicity				
	Total	Men	Women	15-19	20-29	30-39	40-49	50-59	60-74	75+	Russian	Another ethnicity
											Estonian	Another ethnicity
This is violence	4	5	3	3	2	4	5	3	4	6	4	6
Do not agree	6	9	3	3	3	6	6	6	6	8	7	9

Table 3. Use of physical force against spouse (partner) (e.g., pushing or shoving) (%)

	Gender		Age					Ethnicity				
	Total	Men	Women	15-19	20-29	30-39	40-49	50-59	60-74	75+	Russian	Another ethnicity
											Estonian	Another ethnicity
This is violence	3	4	2	3	2	4	4	3	2	6	3	2
Do not agree	6	9	3	3	2	6	6	5	7	8	7	6

Table 4. Use of physical force to coerce a spouse (partner) into sexual activity (%)

	Gender		Age					Ethnicity				
	Total	Men	Women	15-19	20-29	30-39	40-49	50-59	60-74	75+	Russian	Another ethnicity
											Estonian	Another ethnicity
This is violence	3	5	2	3	2	4	4	5	2	4	4	-
Do not agree	6	10	3	3	3	7	7	6	7	10	7	6

Table 5. Sexual intercourse against spouse's (partner's) will (%)

	Gender		Age					Ethnicity				
	Total	Men	Women	15-19	20-29	30-39	40-49	50-59	60-74	75+	Russian	Another ethnicity
											Estonian	Another ethnicity
This is violence	3	4	4	3	1	4	4	5	2	2	3	2
Do not agree	7	12	4	5	3	8	8	7	-	12	6	9

according to the latest EMOR survey, conducted in 2016, the population's attitudes towards the blame of victims of domestic violence are divided in half: 49% agree that victims are partly to blame and 47% that they are not. A qualitative survey on the same topic in 2014 suggests that one aspect of victims' "guilt" may be related to victims remaining in their "victim position" (although it was also acknowledged that it can be difficult for victims to get out of this position for various reasons). Those who agree that the victim is partly to blame are more likely to be men (54%), aged 50 and over (59%), of other ethnicities (58%), with secondary or higher education (52%) and living in South Estonia (60%) and Viru County (58%). Disagreement is higher among women (51%), 25–49-year-olds (58%), Estonians (51%), people with higher education (55%) and residents of the Tartu region (59%). When it comes to sexual violence, the majority of people agree that it is not only women who can be victims of sexual violence, but also men and boys (92%). This is particularly the case among 25–49-year-olds (96%), people with secondary education (93%) and residents of Tallinn (95%). Fewer 15–24-year-olds agree with this risk: 8% disagree that men could be victims of sexual violence (the population average is 4%). A high proportion of people still agree that women themselves cause rape by the way they dress – 42%. Older people (54% of those aged 65 and over), non-Estonians (54%), the less educated (basic education or less – 50%) and residents of South Estonia and Viru County (54% and 50% respectively) are more likely to believe this. 53% of the population disagree with women's guilt. Among those who disagree, there are more 25–49-year-olds (62%), Estonians (58%) and people with higher education (65%). Attitudes towards victims of sexual violence have not changed compared to 2014.¹⁴

4. Knowledge and awareness

Knowledge is an important component of the structure of legal consciousness, alongside emotions, attitudes, behavioural attitudes and other elements.¹⁵ Firstly, knowledge in the sense of knowledge of the law.

There are at least three areas where knowledge of the applicable law is essential: (1) activities of a procedural nature, governed by legal rules which lay down the operation for carrying out certain acts, the procedure (e.g., rules governing the procedures for submitting or applying for certain documents, entering university, obtaining a pension, etc.); (2) professional activities, in particular those of a legal nature, governed by the rules governing the professional activities of a professional (e.g., civil servants); (3) activities in the field of relations between citizens and the State, where legal rules of a directly political nature are in operation, laying down, on the one hand, the content of civil liberties and the obligations of the citizen *vis-à-vis* the State and, on the other, the limits of the State's powers and obligations *vis-à-vis* the citizen. Knowledge of these rules gives people a real opportunity to defend their political rights.¹⁶

¹⁴ Eesti elanikkonna teadlikkuse uuring soopõhise vägivalla ja inimkaubanduse valdkonnas [Estonian population awareness survey in the field of gender-based violence and human trafficking]. TNS EMOR. Sotsiaalministeerium [Ministry of Social Affairs], 2016. Available: https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumentid/eesti_elanikkonna_teadlikkuse_uuring_soopohise_vagivalla_ja_inimkaubanduse_valdkonnas_2016.pdf [last viewed 17.01.2022].

¹⁵ Kaugia, S. Õigusteadvuse olemus ja arengudeterminandid [Essence of Legal Consciousness and Determinants of Development]. Tartu: Tartu Ülikooli kirjastus, 2011, lk 37–72.

¹⁶ Raska, E. Õiguse apoloogia. Sissejuhatus regulatsiooni sotsioloogiasse [Apogetics of law. Introduction to the sociology of regulation]. Tartu: OÜ Fontese Kirjastus, 2004, lk 170.

However, people generally follow the rules without knowing their content or understanding their meaning. This suggests that in their behaviour they move from law to other social levels, looking at social norms in general. Most people avoid committing crimes not because they have the appropriate legal knowledge and training, but because the basic rules of human social life, which have evolved and developed over millennia, as well as the norms of morality and conduct, are closely aligned with the rules of law. By adopting rules as cultural elements (this is done in the process of socialization), human beings ultimately realize the requirements of the rule of law in their behaviour, irrespective of their legal knowledge in the strict sense of the word. Thus, it is not the existence of formal norms and the sanctions they contain that ensures the legitimate behaviour of the more conscious individual, but respect for the rules of human collective life.

This is inextricably linked to the human psyche, which contains rational and emotional elements and connections. These two aspects of the human psyche are also involved in our everyday social behaviour, which is based on certain common rules. Recognition of these rules at the level of the psyche is crucial in choosing the 'right' behavioural options. Here it is a question of the knowledge of law as the awareness of being based on norms.

When acting legitimately, people are usually guided not by written rules of conduct but by other elements of consciousness, often without being able to explain why they behaved as they did. However, when they are forced to justify their behaviour, they usually refer to established beliefs, habits, etc. On the whole, the bystander may get the impression that people's behaviour is not guided by a highly developed sense of justice, but by irrational principles. In essence, however, it is primarily a matter of relying on a sense of justice. The legitimate behaviour of the vast majority of people is based on a well-developed sense of justice, which is the foundation of legal consciousness. The real content of legal consciousness is ultimately expressed in the legal behaviour that people in society accept.

This allows us to take the view that, despite the fact that there is no domestic violence law in Estonia, society has a legitimate expectation that its members will behave in a non-violent manner. By recognizing domestic violence as a very serious form of violence, we, as (potential) victims, would come to the realization that no one has to suffer violence or live in a situation of violence; as potential perpetrators of violence, we would come to the realization that our behaviour is not acceptable and will in any case lead to negative reactions from society and any restrictions that may be imposed.

5. Changes in awareness of domestic violence

A 2016 EMOR survey¹⁷ for the first time mapped the extent to which domestic violence as a societal problem has become more visible. To this end, respondents were asked to rate the extent to which their awareness had changed over the past three years. 73% of the population had noticed information or campaigns against domestic violence in the last three years. 63% of the population could specify the channel through which they had noticed these messages. Television (52%) was the main source of information on this topic, followed by the press and the internet (31%), social media

¹⁷ Eesti elanikkonna teadlikkuse uuring soopõhise vägivalda ja inimkaubanduse valdkonnas [Estonian population awareness survey in the field of gender-based violence and human trafficking]. TNS EMOR. Sotsiaalministeerium 2016, lk 57-59. Available: https://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumentid/eesti_elanikkonna_teadlikkuse_uuring_soopohise_vagivalda_ja_inimkaubanduse_valdkonnas_2016.pdf [last viewed 17.01.2022].

(18%), street advertising or other public information (17%) and radio (15%). 24% have not noticed any information or campaigns. 3% could not say whether they had noticed them or not. Men are less likely to have noticed communications than women – 29% of men and 20% of women respectively. 5–24-year-olds and 25–34-year-olds have received most of their information from television, but more than other age groups from social media, posters and leaflets. Estonians are more likely than non-Estonians to have noticed information and campaigns – 79% and 58% respectively. Estonians are more likely to have noticed a campaign on TV, in the press, on the internet, in social media and on the radio. 24% of people think they have been more aware of domestic violence in the last three years. Half of them have intervened more where necessary. Just over a third (35%) say they are as aware of the issue as they were three years ago, and 26% still do not know much about it. 15% do not know whether their awareness of the issue has changed.

Summary

Domestic violence has been under a lot of scrutiny for a long time (about 20 years in Estonia) and although there are positive signs, it needs to be addressed on a continuous basis. In Estonia, violence is under-reported and reporting of domestic violence is even lower than average. This means that people do not always know how to recognize violence and seek help. Domestic violence affects all members of the family, adults and children alike, although women are more often the victims.

Estonia has implemented several measures to reduce domestic violence: victim support services are in place, non-profit organizations providing counselling services have been established, counselling and family centres have been opened, and the Istanbul Convention has been ratified. At the national level, a number of strategic documents have been adopted to prevent domestic violence: the Development Plan for Reducing Violence, the Violence Prevention Strategy, the Violence Prevention Pact. The latter¹⁸ focuses on children growing up in a violent environment, who are more likely than other children to be involved in delinquent behaviour, to be at risk of physical and mental health problems, to be truant from school and to drink alcohol at an early age.

However, according to the author, the main prerequisite for the prevention of domestic violence is the awareness of violence as violence. Talking to children about violence must start as early as possible – in pre-school – and continue at all levels of school.¹⁹

What is more important than knowing whether and how violent acts are judged by existing laws is whether or not people perceive these behaviours as violent. A victim will turn to the police for help if he or she considers the behaviour towards him or her to be violence that he or she does not have to endure or suffer. This “knowing” allows the victim to put self-blaming for violence and try to break out of the cycle of violence. Recognition of violence as violence would also contribute to reducing stereotypical attitudes and victim-blaming in society. If violence is not recognized, it is difficult to confront it, let alone prevent it.

¹⁸ Vägivaldaennetuse kokkulepe 2021–2025 [Violence Prevention Agreement 2021–2025]. Available: https://www.just.ee/sites/www.just.ee/files/vagivallaennetuse_kokkulepe_2021-2025_0.pdf [last viewed 17.01.2022].

¹⁹ At the Faculty of Law of the University of Tartu, the subject “Domestic Violence in the Modern Legal Space” has been taught as an elective subject for six academic years, i.e., since the academic year 2015/2016. The aim of the subject is to draw the attention of our students to the issue of intimate partner violence as a very serious problem that lawyers face in one way or another in their daily work.

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