



## U.S. DEPARTMENT of STATE

### Estonia

#### Country Reports on Human Rights Practices - [2006](#)

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Estonia, with a population of 1.34 million, is a constitutional parliamentary democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. On September 23, the 345-member electoral college elected Toomas Hendrik Ilves as president, replacing incumbent Arnold Ruutel. Parliamentary elections held in March 2003 were generally free and fair. In March 2005 a coalition government consisting of the Center, Reform, and People's Union parties and headed by Prime Minister Andrus Ansip, took office. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. There were reports that police and prison officials used excessive force. Prison conditions remained poor, although there were some improvements. Domestic violence and child abuse continued to be problems.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom from:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

###### b. Disappearance

There were no reports of politically motivated disappearances.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were reports that police used excessive physical force and verbal abuse during the arrest and questioning of suspects.

In January a Viru district prosecutor charged two police officers with assaulting a suspect they were seeking to arrest after a car chase. The case was pending with the court at year's end.

In October a police officer was charged with the use of excessive physical force against three youngsters suspected of using drugs. The case was pending at year's end.

At year's end nine investigations related to the use of force by police officers in previous years were continuing.

#### Prison and Detention Center Conditions

Prison conditions remained poor, and the majority of prisons for men were overcrowded. In August the Ministry of Justice formed a special control unit for prisons. A lack of funds and trained staff continued to be a serious problem. Detention houses remained overcrowded. The Chancellor-Ombudsman continued to urge the allocation of further funds for the improvement of conditions in prisons and detention centers, although there were no reports of concrete results during the year. Adults and juveniles were separated, and women were held separately from men. Authorities reported that 9 to 10 percent of crimes committed in prisons included violence or verbal abuse, either towards fellow prisoners or authorities.

Two inmates were killed by fellow prisoners in Murru prison during the year. In November the prosecutor's office started a criminal investigation of possible negligence on the part of the acting director of Murru prison and his deputy. The investigation was continuing at the end of the year.

The government permitted prison visits by independent human rights observers, and such visits occurred during the year. There were no visits by the International Committee of the Red Cross during the year.

#### d. Arbitrary Arrest or Detention

The Constitution and laws prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

##### Role of the Police and Security Apparatus

The national police, security police, tax and customs board, and national border guard have responsibility for law enforcement and the maintenance of order. The police, security police, and national border guard are subordinate to the Ministry of Internal Affairs. The tax and customs board is subordinate to the Ministry of Finance. Prison personnel are subordinate to the Ministry of Justice. The army is responsible for external security but also has domestic security responsibilities in case of threat to the constitutional order of the country. The police board is the central and supervisory authority that manages, directs, and coordinates the activities of police agencies under its administration. There are three police agencies and four regional police prefectures.

Corruption was generally not a problem, but there were reports of corruption among the traffic police. During the year the state prosecutor's office investigated a case in which 26 traffic police officers had been involved with taking bribes. The court case was pending at year's end. Impunity was generally not a problem. When an allegation of police abuse is made, the internal control department of the police investigates and reports its findings. If the investigation substantiates the allegations, police initiate disciplinary procedures against the responsible officer, such as suspension. If warranted, prosecutors initiate criminal proceedings against the officer.

##### Arrest and Detention

Under the law authorities must possess warrants issued by a court in order to make arrests. They must inform detainees promptly of the grounds for their arrest. There is a functioning bail system. Authorities may hold a person for 48 hours without charging him; further detention requires a court order. Police rarely violated these limits. Detainees must be given immediate access to legal counsel, and the government pays for legal counsel for indigents. A person may be held in pretrial detention for two months, which may be extended by court order to a total of 12 months.

Lengthy pretrial detention was a problem. Approximately 23 percent of the prison population was in pretrial detention, and the average length of pretrial detention was eight months.

#### e. Criminal and Judicial Procedures

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

The judiciary operates through a three tier court system. County and city courts and administrative courts adjudicate matters in the first instance. Three courts of second instance, sometimes called district courts or courts of appeal, hear appeals against decisions of courts of first instance. The Supreme Court is the court of the highest instance and is a court for "constitutional supervision."

##### Trial procedures

Trials are public. Juries are not used; a judge and public assessors hear cases. Defendants have the right to be present and to consult with an attorney in a timely manner. In criminal proceedings an attorney is provided for all individuals at public expense; in civil court procedures an attorney is provided for indigents. Defendants may confront or question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The law extends these rights to all residents, whether or not they are citizens.

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

##### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

##### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. There is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative as well as judicial remedies are available for alleged wrongs. There were no problems with enforcement of human rights-related domestic court orders.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

The law prohibits activity which publicly incites to hatred, violence, or discrimination on the basis of nationality, race, skin color, sex, language, origin, sexual orientation, religion, political opinion, or financial or social status, if the activity threatens a person's life, health, or property.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

##### Freedom of Assembly

The constitution provides for this right, and the government generally respected it in practice.

The authorities have wide discretion to prohibit public gatherings on public safety grounds, but seldom did so. From June through September, the government did prohibit access for all groups and organizations to a controversial Soviet monument in the center of the capital on the grounds of public safety. It did not prohibit demonstrations about the future of the monument held away from this site. The government failed to protect participants of a gay rights parade in August (see section 5).

##### Freedom of Association

The constitution provides for this right and the government generally respected it in practice.

The constitution prohibits organizations, unions, and political parties that seek to change the country's constitutional order by force or are otherwise in conflict with the law. The law prohibits noncitizens from joining political parties, although they may form social groups.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

The law regulates the activities of religious associations, and the statutes of churches, congregations, and unions of congregations are registered at the city courts. To be registered, the law requires religious organizations to have at least 12 members, and their leaders must be citizens with at least five years' residence in the country.

Relations between the various religious communities were generally amicable; however, the Estonian Apostolic Orthodox Church and the Estonian Orthodox Church under the Moscow Patriarchy continued to have differences over the disposition of Orthodox Church property.

The law prohibits activity that publicly incites to hatred, violence, or discrimination on a variety of characteristics, including religion, if it causes a threat to a person's life, health, or property (see section 2.a.).

#### Societal Abuses and Discrimination

In April the media reported that two individuals who appeared to be skinheads shouted anti-Semitic insults and threw a beer bottle at an Israeli citizen visiting Tallinn. He reportedly stated that he informed local police about the incident but the latter "received his report with indifference." The police stated that they had not been informed that any bottles had been thrown, that a patrol was sent to the location of the incident, and that since no perpetrators were found and there were no physical injuries, there was no further investigation.

There were no confirmed anti-Semitic acts during the year.

In June two vandals damaged seven grave plaques and several lanterns in Rakvere cemetery. Police took two suspects into custody, and they pled guilty. In September the court sentenced one of them to five months in prison.

In May a court sentenced a person convicted of setting fire to the library of St. Paul's Church to four and a half years in prison. The arson

took place in April 2005.

Police were continuing to investigate a December 2005 incident in which an unknown person or persons vandalized over 20 grave plaques, as well as crosses, lanterns, and benches, in a Parnu cemetery.

In February the Supreme Court overturned the June 2005 conviction of an individual charged with writing an essay that publicly incited social hatred on the basis of national origin, race, or religion. In his essay the writer called for destroying all Christians and Jews and all churches. The Supreme Court found that the essay did not include incitement to social hatred or violence as defined in the law.

The government took a number of steps to associate itself with commemoration of the Holocaust and to encourage best practices in teaching about it in schools.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

#### d. Freedom of Movement within the Country, Foreign, Travel, Emigration, and Repatriation

The constitution provides for these rights, and the government generally respected them in practice.

The government did not restrict the right of noncitizen residents--persons who are citizens of another country or stateless persons--to foreign travel, emigration, or repatriation, and it provided all legal residents, including the 8.8 percent who were effectively stateless, with travel documents. The Legal Chancellor-Ombudsman received complaints of delays in the issuance of residence permits and of visa denials.

The constitution prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution.

The government did not grant refugee status or asylum during the year, because no applicants qualified in accordance with the 1951 UN convention and its 1967 protocol. According to official statistics, during the year authorities had 15 asylum applications for review, including eight from previous years. They rejected five applications and seven remained pending at year's end.

The government provided temporary protection to individuals who might not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to one person during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The government has a "safe country of origin or transit" policy; it regarded countries that were parties to the UN refugee convention as safe countries.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

On September 23, a 345-member electoral college elected Toomas Hendrik Ilves as president. Parliamentary elections held in 2003 were generally free and fair and led to the formation of a three-party coalition government of the Res Publica, Reform, and People's Union parties. The coalition dissolved in April 2005, and a new coalition government, formed by the Center, Reform, and People's Union parties, took office.

Only citizens may vote in parliamentary elections and be members of political parties. However, resident noncitizens and those who have lived permanently in the country for at least five years preceding the election may vote in local elections, although they may not run for office.

There were 20 women in the 101-seat parliament. There were two women in the 13-member cabinet.

There were eight members of ethnic minorities in the 101-seat parliament.

#### Government Corruption and Transparency

There were isolated reports of government corruption during the reporting period.

In February a court convicted a former head of the information technology service of the State Chancellery's information systems and organization department of taking a bribe from a private company. He received a suspended sentence of two and a half years, with 18-months probation, and was ordered to return illegally obtained funds to the state.

In May a former construction consultant was sentenced to prison for 16 months for requesting and taking a bribe in the course of a state tender for university construction.

In June the Tartu County Court found 15 customs officials guilty of taking bribes. The court sentenced the officials to prison terms of up to three months or to two to three years' probation.

The law provides the public access to government information and allows for monitoring of the public sector's performance. The government provided access for citizens in practice.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination for any reason, and the government generally enforced it. However, violence against women and child abuse were problems.

##### Women

Violence against women, including spousal abuse, was a problem. The law prohibits physical abuse but does not differentiate between acts committed against men, women, or children. The police reported more than 3,300 cases of domestic violence. In more than 700 cases persons were convicted for this abuse in 2005. According to nongovernmental organizations (NGOs) one in five women have suffered from physical, sexual, or emotional domestic violence, and NGOs considered domestic violence a serious problem. Domestic violence is punishable by a fine or imprisonment of up to three years and up to five years in the case of longstanding and unremitting violence. Victims of domestic violence may obtain help, including counseling and legal assistance, from local social workers and specialized NGOs.

Rape, including spousal rape, is illegal and was prosecuted under the law. The sentence for rape is up to 15 years' imprisonment. During the year police reported 73 rapes and 27 attempted rapes. In 2005, 46 persons were convicted of rape.

Prostitution is not prohibited and was common, but pimping is illegal.

There were reports that women were trafficked for purposes of sexual exploitation (see section 5, Trafficking).

The law prohibits sexual harassment. Sexual harassment in the workplace occurred but was not considered a serious problem. According to the law, disputes are to be resolved in court, in an administrative hearing by the Legal Chancellor-Ombudsman, or by the Gender Equality Commissioner. An injured party may demand compensation for damage and termination of the harmful activity.

Although women have the same legal rights as men under the law and are entitled to equal pay for equal work, these rights were not always observed in practice. While women's average educational level was higher than that of men, their average pay was generally lower, and there continued to be female- and male-dominated professions.

##### Children

The government was committed to children's rights and welfare.

Under the law, school attendance is mandatory and free from the age of seven until students complete basic education, generally after nine years, or until they reach 17 years of age. Approximately 98.7 percent of school-aged children attended school. According to the government's statistical office, the highest level of education achieved by most students was high school plus two years of higher education.

The government provided free medical care for children and subsidized school meals. Boys and girls had equal access.

Child abuse was a problem. Police reported 491 cases of violence against children, including domestic and school violence during the year.

During the year there were 26 reports of rape and six attempted rapes committed against minors. The police registered 127 cases of sexual abuse of persons under 18 years of age, which included 37 cases involving victims below the age of 14. In 2005, 49 persons were convicted of sexual assaults of minors.

There were reports of child prostitution, and trafficking of children for sexual exploitation was a problem (see section 5, Trafficking).

## Trafficking in Persons

There is no specific law criminalizing all forms of trafficking; however, authorities may prosecute traffickers under the law prohibiting enslavement and abduction. Penalties for such acts range from a year to 12 years' imprisonment. A monetary punishment may also be applied.

The country is a source, destination and transit point for individuals trafficked primarily for sexual exploitation. Estimates of the overall magnitude of the problem were difficult to obtain. A 2005 study of trafficking for sexual exploitation conducted by the International Organization for Migration estimated there were 100 known victims of these forms of trafficking in Estonia from 2001 through 2004. This figure included persons trafficked through the country. Persons were also trafficked to the country. The trafficking pattern appeared to be unchanged from earlier years. Travel-friendly regulations, short distances, low travel costs, and the draw of legitimate employment lowered the barriers to trafficking to the Nordic and other European Union (EU) countries. The traffickers were individuals, small groups, and organized criminals who ran the prostitution industry and lured victims with the promise of legitimate employment or the opportunity to live and study abroad. Traffickers tended to befriend victims or attempted to pass themselves off as legitimate job mediators. Due to fairly liberal travel regulations around the region, false documentation was not always necessary.

The fight against trafficking was a government priority. In January it adopted a national action plan and established a trafficking database to provide data on the extent of the problem.

In July, following a cooperative effort by local and Finnish investigators, Finnish courts convicted five Estonian and two Finnish traffickers of trafficking 15 Estonian women to Finland for prostitution. The prison sentences ranged from five years to 27 months. The verdict was under appeal at year's end. In 2005 the government used the anti-enslavement statute in two court cases that resulted in the conviction of seven persons. In addition authorities initiated 73 court cases involving pimping, and courts convicted 40 persons of this crime; five court cases were started and 15 persons sentenced for the prostitution of minors in 2005. The ministries of interior, social affairs, foreign affairs, and justice are responsible for combating trafficking.

The government participated in the work of the Nordic and Baltic Task Force on Trafficking in Persons. It actively participated in antitrafficking activities within the EU, the Organization for Security and Cooperation in Europe, the Council of Baltic Sea States, the Nordic Council of Ministers, and the Council of Europe (COE). The government assisted with international investigations in other countries.

The law provides for protection, as well as legal and medical compensation rights, to victims of all crimes, including trafficking; however, there was no evidence that this was provided for trafficking victims in practice. Each county had an assigned victim assistant to provide trafficking victims access to the public assistance system. The assistants received specific training on trafficking in persons issues during the reporting period from NGOs.

An NGO-operated trafficking hotline, which the government began to fund during the year, continued to operate, providing information on trafficking risks to persons interested in working abroad. The hotline generated over 400 calls in 2005.

During the year the Ministry of Social Affairs conducted a series of lectures on prostitution and trafficking for state officials, local governments, members of the defense forces serving as peacekeepers abroad, employee unions, social workers, women's organizations, journalists, and victim assistance workers. The government cofunded manuals for social workers, counselors, and teachers to better assist trafficking victims.

## Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; older buildings were inaccessible, although new or renovated buildings were generally accessible. During the year the government increased support to children with disabilities by 25 percent. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

## National/Racial/Ethnic Minorities

Instances of overt hostility based on race occurred, although they were infrequent. There is no specific law prohibiting hate crimes, but there is a law prohibiting incitement to hatred, violence, or discrimination on the basis of nationality, race, skin color, sex, language, origin, sexual orientation, religion, political opinion, or financial or social status.

Police opened an investigation into remarks published in *Eesti Päevaleht* that allegedly incited hatred on the basis of Russian nationality in 2005. In October a Tallinn city court decided that the article did not include incitement to hatred or violence and acquitted the author.

In March police fined three juveniles for inciting social hatred on the basis of a person's race (a Dutch citizen of African origin) in a Tallinn entertainment establishment. In August unknown persons allegedly insulted a PhD candidate from an African country in a Tartu night club. The police opened an investigation. The case was pending at year's end.

During the year incitement to social hatred or violence on the basis of sexual orientation was criminalized. In August several persons attacked participants in a gay parade in Tallinn injuring twelve participants; one person filed a complaint with the police, who had been present at the parade but were unable to prevent violence. The police terminated the investigation into possible instigation of social hatred

because they were unable to find the perpetrators. The police started seven misdemeanor proceedings. One resulted in a fine, and the rest were pending at the year's end.

The law provides for the protection of cultures of minority group citizens; however, some noncitizens alleged it is discriminatory because it restricts cultural autonomy only to citizens. In districts where more than one half of the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in that language.

Russians, Ukrainians, and Belarusians are the largest ethnic minorities, making up 29 percent of the population. The government pursued a policy of social integration, particularly through its language policy which requires knowledge of Estonian in order to obtain citizenship and mandates that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors use the Estonian language. Actual proficiency is usually determined through examination; however, citizenship applicants who have previously passed the basic level Estonian language proficiency examination or the basic school final examination for Estonian as a second language no longer have to take the citizenship language exam. Some noncitizen residents, particularly ethnic Russians, continued to allege that the language requirement resulted in job and salary discrimination.

Many persons who accepted the legitimacy of the language requirement criticized authorities for providing inadequate resources to teach in Estonian. In March the government adopted a plan of action that calls for achieving 60 percent instruction in Estonian in the country's 63 Russian-language high schools by 2011, with the transition beginning in 2007. The shortage of qualified teachers who could teach their subjects in Estonian at Russian-language schools, gymnasiums, and vocational schools remained a problem. Authorities have allotted new resources to this effort.

There were Roma communities with fewer than 1,000 total members located primarily in three areas in the country. A report published by the COE in February concluded that the unemployment level among them was extremely high, in part due to the fact that very few of them attend school. However, the report also concluded that Roma faced discrimination in employment and other areas. The government took steps to emphasize the importance of education for Roma children. Beginning in 2005 the government undertook two projects promoting education and identity in the Roma society. In December authorities supported a seminar to discuss best practices for teaching Roma children in schools.

## Section 6 Worker Rights

### a. The Right of Association

The law provides for the right of workers to form and join a union or employee association, although some workers found it difficult to exercise this right in practice. Approximately 10 percent of the total workforce belonged to trade unions. The law prohibits antiunion discrimination; however, the Confederation of Estonian Trade Unions (EAKL) continued to report that antiunion behavior was rife in the private sector. According to the EAKL, violations of trade union rights in the country are frequent, and labor inspectorates are not efficient in enforcing the law. In some enterprises, workers are advised against forming trade unions, threatened with dismissal or a reduction in wages, or promised benefits if they do not join unions. Both employees and employers have the right to request that labor dispute committees or the courts resolve individual labor disputes.

### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargaining and collective dispute resolution is provided for by law.

Collectively bargained contracts covered approximately 15 percent of workers, including some nonunion members. The law provides for the right to strike, and workers have exercised this right in practice. Public servants working at the state or municipal level are denied the right to strike.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

### d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace.

The law sets the minimum age for employment at 18 years, although children aged 15 to 17 may work with the consent of a parent or guardian, and children aged 13 to 15 may work with the consent of a parent or guardian and a labor inspector. Children under the age of 18 may not perform hazardous or dangerous work. The law limits the hours that children may work and prohibits overtime or night work. The labor inspectorate was responsible for enforcing these laws and did so in practice. There were no separate inspections regarding the age of child workers.

### e. Acceptable Conditions of Work

The national monthly minimum wage of \$243 (3,000 kroon) did not provide a decent standard of living for a worker and family; however, approximately 94 percent of the workforce earned more than the minimum wage. The poverty line was \$157 (1,938 kroon) per month in 2005.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week for those working in shifts. Reduced working time is required for minors and for employees who perform underground work, work that poses a health hazard, or work of an otherwise special nature. Work hours, including overtime, may not exceed an average of 48 hours per week. The law required overtime pay of not less than 150 percent of the hourly wage of the employee. These requirements were effectively enforced.

The government set occupational health and safety standards. The labor inspectorate, health protection inspectorate, and technical inspectorate were responsible for enforcement of these standards and made efforts to enforce them. Workers have the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment, and they exercised this right in practice. During the first nine months of the year 2,591 occupational accidents occurred, for a ratio of 427 occupational accidents per 100,000 employees.