



2008 Human Rights Report: Estonia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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With a population of 1.34 million, Estonia is a multiparty constitutional parliamentary democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. Parliamentary elections held in March 2007 were generally free and fair. 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 allegations that police used excessive force during the arrest of suspects; authorities investigated and brought charges against alleged offenders. Conditions in detention centers generally remained poor. Lengthy pretrial detention continued to be a problem. Domestic violence, inequality of women's salaries, child abuse, and trafficking of women and children were also reported.

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 or other 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.

During the year, prosecutors or police authorities processed 37 criminal cases related to police officers' excessive use of force. Charges were dropped in 19 cases, 16 were pending, and two were sent to the prosecutor's office for further action by year's end.

On April 30, a former police officer was found guilty of use of excessive force during an arrest in 2004. Harju county court sentenced him to a fine and three years probation in 2007. In February the district court upheld the county court decision.

On October 1, a Northern circuit prosecutor asked the Harju county court in Tallinn to impose fines on two police officers for the use of excessive force in April 2007. On November 27, the court found the officers guilty and fined

them 37,000 kroon (approximately \$3,320) and 38,000 kroon (approximately \$3,410).

Two cases that were pending against police officers for alleged use of excessive force during riots in April 2007 were dropped when it was determined that no criminal act had taken place.

The police internal control department investigated one case of excessive force. The officer was found not guilty and the charges were dropped.

Prison and Detention Center Conditions

Conditions in many detention centers remained poor and overcrowded; however, overcrowding in prisons decreased considerably with the July 29 opening of a new prison in Viru County that could hold up to 1,000 prisoners. A new detention facility with a capacity of 150 persons was opened within the confines of the new Viru County Prison. The Kohtla-Jarve detention center, which was known for having poor conditions, was closed. In July the chancellor-ombudsman criticized the shortage of staff, poor living conditions, and limited availability of medical aid in the Paide detention center. In April 2007 the chancellor-ombudsman criticized the limited availability of medical aid in detention centers in Narva and elsewhere.

There were no killings by other inmates in prisons during the year. On January 17, the trial began, and continued on November 3, against the former acting director, the former security chief, and a former warden of Murru prison on charges of negligence. In May 2007 a prosecutor filed charges of negligence as a result of events that took place in 2006. The court case was pending at year's end.

The government permitted prison visits by independent human rights observers, and such visits occurred. There were no visits by the International Committee of the Red Cross during the year. In May 2007 the Council of Europe (COE) Committee on the Prevention of Torture visited the country; the results of the visit had not been released by year's end.

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

Civilian authorities maintained effective control over the national police, security police, tax and customs board, and national border guard, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention

Under the law, authorities must possess warrants issued by a court 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 charge; further detention requires a court order. Police rarely violated these requirements. 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 six months. In cases involving a particularly complex criminal matter, a preliminary investigation judge may extend the length of pretrial detention at the request of a chief public prosecutor. Lengthy pretrial detention was a problem. Approximately 28.3 percent of the prison population was in pretrial detention; the average length of pretrial detention was seven months.

e. Denial of Fair Public Trial

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

There is a three-tier court system. County and city courts and administrative courts adjudicate matters in the first instance. Appeals against the decisions of these courts are heard by three courts of second instance, sometimes called district courts or courts of appeal. The Supreme Court is the court of highest instance and is also the court for "constitutional supervision."

Trial Procedures

Defendants enjoy a presumption of innocence and have a right of appeal. Trials are public. Juries are not used. A judge and public assessors, a judge, or a committee of judges 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 available to all defendants at public expense, although individuals often preferred to hire their own attorney. In civil proceedings 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. 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 enforcing 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. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. During the year, 69 percent of the population used the Internet and approximately 54 percent

of households had Internet access in the home.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

While authorities have wide discretion to prohibit public gatherings on public safety grounds, they did so only under exceptional circumstances. Unlike in the previous year, there were no cases of authorities denying permission to hold public protests on security grounds.

Freedom of Association

The constitution provides for this right for citizens, and the government generally respected it in practice. However, the law specifies that only citizens may join political parties.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The law prohibits activity that publicly incites hatred, violence, or discrimination on the basis of a variety of characteristics, including religion, if it causes a threat to a person's life, health, or property.

Societal Abuses and Discrimination

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 Jewish community was estimated to have approximately 2,500 members. There were no reports of anti-Semitic acts.

In November, according to media reports, the security police terminated the criminal investigation into the activities of a Finn with Estonian citizenship suspected of working to establish an "anticonstitutional right-wing organization." According to the media, he used Nazi symbols and ideology and planned a paramilitary wing of the organization. No evidence was found that he planned to change the country's constitutional order.

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 2008 International Religious Freedom Report at www.state.gov/g/drl/rls/hrrpt/2008/eur/119077.htm.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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. 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, but all asylum seekers were granted individual interviews.

In practice the government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. The government granted refugee status or asylum to four individuals.

The government did not provide temporary protection to individuals who did not qualify as refugees under the 1951 convention or the 1967 protocol.

Stateless persons

Citizenship is derived from one's parents (*jus sanguinis*). According to government statistics, approximately 110,000 persons, or 8.2 percent of the population, were of undetermined citizenship or *de facto* stateless. This represented a decline of 32 percent from 1992. According to UNHCR statistics there were 116,248 stateless persons in the country at the end of 2007.

The majority of stateless persons were long-term residents and, as such, could vote in local but not parliamentary elections. The government has statutory procedures in place that offer opportunities to gain legal residence status or citizenship. Authorities have adopted policies, such as funding citizenship and language courses and simplifying the process for persons with disabilities to facilitate acquisition of citizenship by those stateless persons who wish it. Children whose parents are residents of undetermined citizenship and have lived in the country for five years are eligible to acquire citizenship at their parents' request.

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

Parliamentary elections held in March 2007 were generally free and fair and led to the formation of a three-party coalition government that took office in April 2007. Political parties could operate without restriction or outside interference.

Only citizens may vote in parliamentary elections and be members of political parties. Resident noncitizens may vote in local elections if they have lived for at least five years in the municipality or city that corresponds with their permanent residence as listed in the country's population register. European Union (EU) citizens who have

established permanent residency may also vote in local elections. Resident noncitizens may not run for office. EU citizens who are registered in the country's population register may vote in the European Parliament elections.

There were 21 women in the 101-seat parliament. The speaker of the parliament and the deputy speaker of the parliament were women. There were three women in the 14-member cabinet.

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

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

On January 31, the Viru County Court found a former judge of the Harju County Court guilty of accepting a bribe in 2006 and sentenced him to three and a half years in prison. The former judge appealed the sentence.

On September 12, the Harju County Court initiated proceedings against a businessman, a lawyer, and a former minister for attempted bribery in connection with the sale of a building belonging to the Ministry of Environment. The case was pending at year's end.

Investigations were ongoing at year's end into alleged illegal property exchanges in which protected land in nature preserves was traded for state properties in other locations with the approval of a former minister. The security police and prosecutor's office continued criminal cases against several individuals allegedly involved in these transactions, including a few well-known politicians and businessmen.

Public officials are subject to financial disclosure laws. The Justice Ministry is responsible for coordinating anticorruption activities.

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

Rape, including spousal rape, is illegal and was prosecuted. The sentence for rape is up to 15 years' imprisonment. During the year, the police reported 160 rapes and attempted rapes; 30 persons were convicted of rape during the year.

Violence against women, including spousal abuse, was a problem. According to nongovernmental organizations (NGOs), one in four women has suffered from physical, sexual, or emotional domestic violence, and NGOs considered domestic violence a serious problem. The law prohibits physical abuse but does not differentiate between acts committed against men or women. 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. During the year police reported more than 5,200 cases of physical abuse, including domestic violence. During the year 1,544 persons were convicted of physical abuse. Victims of domestic violence may obtain help, including counseling and legal assistance, from local social workers and specialized NGOs.

Prostitution is not prohibited and was common, but pimping is illegal. There were reports that women were trafficked for purposes of sexual exploitation.

The law prohibits sexual harassment. Sexual harassment in the workplace occurred but was not considered a serious problem. According to the law, disputes over sexual harassment are 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 damages and termination of the harmful activity. During the year a local branch of the Labor Inspectorate handled five harassment cases involving four women and a man who filed complaints against their supervisors. The maximum compensation for damages is 50,000 kroon (approximately \$4,490).

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 the average educational level for women was higher than for men, their average pay was generally lower, and there continued to be female- and male-dominated professions. According to media reports, the difference between the salaries of men and women was 25 percent.

Children

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

Child abuse was a problem. During the year police reported 762 cases of violence against children, including domestic and school violence.

During the year there were 76 reports of rape and attempted rape of minors, and police registered 193 cases of sexual abuse of persons under 18 years of age, including 39 cases involving victims below the age of 14; 36 persons were convicted of sexual assaults against minors.

There were reports that children were trafficked for sexual exploitation.

Trafficking in Persons

There is no specific law criminalizing all forms of trafficking; however, authorities prosecuted traffickers under laws prohibiting enslavement, abduction, and pimping.

The country was a source, destination, and transit point for trafficking victims, who were trafficked primarily for sexual exploitation. Women and girls were trafficked primarily to countries in northern Europe. The overall trafficking pattern appeared to be unchanged from earlier years, although authorities in both Finland and Sweden noted considerable declines in the number of Estonians trafficked to their countries. Travel-friendly regulations in the Schengen zone, short distances, low travel costs, and the draw of legitimate employment lowered the barriers to trafficking to Nordic and other EU countries.

Traffickers included 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 generally liberal travel regulations around the region, false documentation was not always necessary.

Penalties for trafficking-related offenses range from five to 15 years' imprisonment; fines may also be applied. In December the Parnu county court found two individuals guilty of enslaving a person to sell drugs. They were sentenced to one and one-and-a-half years imprisonment, respectively.

The Ministries of Interior, Social Affairs, Foreign Affairs, Education and Research, Finance, and Justice have responsibilities for combating trafficking.

Authorities cooperated actively with regional and international efforts to fight trafficking, including participation in the work of the Nordic and Baltic Task Force on Trafficking in Persons.

The law provides protection, as well as legal and medical compensation rights, to victims of all crimes, including trafficking. During the year, 55 women were assisted within the framework of a Nordic-Baltic pilot project for victims of trafficking and sexual exploitation. Shelter facilities, as well as psychological, social, and legal counseling services were offered to women identified through the initiative. The project, a three year initiative (2006-08) aimed at building shelter facilities and providing public outreach, targeted women who had in the past been victims of trafficking and sexual exploitation, primarily prostitution. Each county had an assigned assistant to provide trafficking victims access to public assistance. These assistants received specific training on trafficking in persons issues from NGOs during the year.

The government continued to support an NGO-operated hot line that provided information on trafficking risks to persons interested in working abroad. The hot line received over 400 calls during the year.

Throughout the year the Ministry of Social Affairs engaged in educational outreach programs to governmental organizations, NGOs, and individuals, including sponsoring lectures, seminars, and preparation of training materials.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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. 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 ethnicity or race were infrequent. There was no recurrence during the year of the violent protests by some members of the country's Russian minority that followed the government's 2007 decision to move a Soviet-era monument from the center of Tallinn.

While there is no specific law prohibiting hate crimes, the law prohibits incitement to hatred, violence, or discrimination on a variety of grounds, including nationality, race, skin color, language, and social origin. In September 2007 skinheads in Tartu threw stones in the direction of a French student of African origin; the student

did not press charges.

The government provides for the protection of the cultures of minority groups. However, some observers alleged that a law related to minority cultural autonomy is discriminatory because it does not apply to the country's large population of noncitizens. 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 encouraged social integration through a policy that promotes learning Estonian and naturalization. Knowledge of Estonian is required to obtain citizenship, and all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must know the Estonian language. Actual proficiency is usually determined through examination; however, citizenship applicants who have previously passed the basic level language proficiency examination or the basic school final examination for Estonian as a second language do not have to take the citizenship language examination. Some noncitizen residents, particularly ethnic Russians, continued to allege that the language requirement resulted in job and salary discrimination.

During the year the government continued to implement its plan to provide 60 percent of all instruction in the country's 58 public Russian-language high schools in the Estonian language by 2011.

Romani communities, with a total of fewer than 1,000 members, were primarily located in three areas in the country. A 2006 COE report noted high unemployment levels among Roma, due in part (because very few had attended school) to low education levels. 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 Romani children.

Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

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 allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to strike, and workers exercised this right in practice. Public servants at the state and municipal levels are denied the right to strike.

b. The Right to Organize and Bargain Collectively

Collectively bargained contracts covered approximately 15 percent of workers, including some nonunion members. Collective bargaining and collective dispute resolution are provided for by law.

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 were frequent, and labor inspectorates were not efficient in enforcing the law. In some

enterprises, workers were 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.

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 women and girls were trafficked for sexual exploitation.

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, 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 4,350 kroon (approximately \$391) 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 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 year, 3,959 occupational accidents occurred, a ratio of 599 occupational accidents per 100,000 employees.