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Estonia

Country Reports on Human Rights Practices - [2005](#)

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Estonia, with a population of 1.4 million, is a constitutional parliamentary democracy with a unicameral legislature (parliament), a prime minister as head of government, and a president as head of state. Free and fair parliamentary elections were held in March 2003. In March Prime Minister Juhan Parts resigned and in April a coalition government, consisting of the Center, Reform, and People's Union parties with a new prime minister, Andrus Ansip, took office. The 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. The following human rights problems were reported:

- police abuse of detainees
- poor prison conditions
- domestic violence
- child abuse

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 September a retired individual accused local police officers of using excessive force on him. The police initiated an official investigation, which determined that the police officers had acted according to the rules.

In August 2004 three suspects claimed they were abused upon arrest by police officers. The suspects sought criminal charges against the officers, but following an investigation the case was closed when it was determined that no criminal act had taken place.

In 2003 the court brought charges against two police officers for use of excessive force. In the spring the Jarva rural court found the police officers guilty and sentenced them to two years' probation. In June the Tallinn district court reversed the Jarva rural court's decision.

In June the Tallinn district court sentenced three former police officers to probation with terms ranging from six months to three and a half years for the use of excessive force on several occasions in 2001.

In December a murder suspect accused police officers in the media of the use of excessive force at the time of his arrest. The police had initiated an official investigation at year's end.

There were 15 pending investigations related to the use of excessive force by police officers at year's end.

Prison and Detention Center Conditions

Prison conditions remained poor and overcrowding continued in the majority of prisons for men. However, the government established school facilities for underage pretrial detainees at Tartu prison and renovated facilities at the Viljandi prison during the year.

In November the Legal Chancellor-Ombudsman drew officials' attention not only to the poor and unsanitary conditions of the detention houses in North-East Estonia, but also to the degrading treatment of detainees there. The detention houses were overcrowded, and adults and juveniles were not separated.

The government permitted prison visits by independent human rights observers; however, no visits occurred during the year.

d. Arbitrary Arrest or Detention

The law prohibits 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 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, which 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. The state prosecutor's office was investigating cases in which 26 traffic police officers had been involved with taking bribes. 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 allegations are substantiated, the 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, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest. There is a functioning bail system. A person may be held for 48 hours without being charged formally; further detention requires a court order. Police rarely violated these limits. Detainees must be given immediate access to legal counsel, and if indigent, the government pays for legal counsel. A person may be held in pretrial detention for 2 months, which may be extended for a total of 12 months by court order.

There were no reports of political detainees.

Lengthy pretrial detention was a concern. Approximately 23 percent of the prison population was in pretrial detention and the average length of pretrial detention was 7 months.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The judiciary operates through a three-tier court system: rural and city courts, district courts, and the Supreme Court. The district courts and Supreme Court are also courts for "constitutional supervision."

Trial procedures

Trials are public and a judge and public assessors are used. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided for indigents at public expense. Defendants can confront or question witnesses against them and/or present witnesses and evidence on their 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 the above rights to all residents, whether or not they are citizens.

Political Prisoners

There were no reports of political prisoners.

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

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

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

The authorities had wide discretion to prohibit public gatherings on public safety grounds but seldom did so.

Freedom of Association

Noncitizens are prohibited from joining political parties; although they may form social groups (see section 3).

c. Freedom of Religion

The law 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 all religious organizations to have at least 12 members. Leaders of religious organizations must be citizens with at least five years' residence in the country.

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

Societal Abuses and Discrimination

Two graveyards were vandalized during the year. In March a vandal knocked down three tombstones and damaged one in a Johvi cemetery. Authorities initiated misdemeanor proceedings. In May two vandals knocked down 35 stone crosses in a German War cemetery in Narva. The vandals were caught and they pled guilty; the prosecutors have requested probation for one year. The case was pending at year's end. In July a drunken minor broke five stained glass windows of Viljandi St. Paul's Church and was fined. In April a fire was set to the library of Tartu St. Paul's Church as a result of which many valuable volumes of church literature were destroyed. The police took a suspect into custody. A police investigation was ongoing at year's end.

In June a district court convicted and fined a person guilty of publicly incited social hatred on the basis of national origin, race, or religion because he wrote an essay in 1995 that called for destroying all Christians, Jews, and churches. His appeal to the Supreme Court was pending at year's end.

There is a 2,500 person Jewish community. There were no reports of anti-Semitic acts during the year.

In August a city court fined a person for making anti-Semitic comments over the Internet. In September a district court let the decision stand, and in December the Supreme Court also let it stand.

The government continued to observe the annual Holocaust and Other Crimes against Humanity Victims' Memorial Day. The country is a liaison member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research. During the year the government provided more than 200 schools with a 30-minute film about Holocaust history. In August the government, together with the task force, supported a seminar for history teachers to discuss best practices for teaching the Holocaust in schools.

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

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

The law 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, although some noncitizens complained of delays in obtaining travel documents. The Legal Chancellor-Ombudsman received such complaints during the year (see section 4).

The law 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 or 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 or 1967 protocol.

The government provided temporary protection to individuals who may 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 country has a "safe country of origin or transit" policy.

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, last held in 2003, were free and fair and led to the formation of a three-party coalition government comprised of the Res Publica, Reform, and People's Union parties. The coalition dissolved in April, ostensibly over a dispute concerning anticorruption policies being pursued by the then minister of justice. Under the constitution the president appointed a new candidate for prime minister who formed a new coalition. The new coalition government, formed by the Center, Reform and People's Union parties, then 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 area 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 2 women in the 13-member cabinet.

There were 9 members of ethnic minorities in the 101-seat parliament.

Government Corruption and Transparency

There were isolated reports of government corruption during the reporting period. For example, in March a county governor was fined for concluding agreements with two foundations and a nongovernmental organization (NGO) on whose boards he was sitting. In September a former information technology (IT) department chief of a government ministry was convicted for taking bribes from persons whose companies were later able to win state tenders and other offers concerning IT equipment for the ministry. He was given a suspended sentence of six months, with three years' probation. He also was required to return the funds he illicitly obtained to the government.

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.

The Human Rights Institute, which received a small amount of government funding, monitored human rights and provided information to the international community. It investigated reports of human rights violations, such as allegations of police abuse and the inhumane treatment of detainees. The institute operated an information center in Johvi, in the northeastern part of the country where the Russian speaking community is in the majority.

A presidentially established roundtable, composed of representatives from parliament, the Union of Estonian National Minorities, and the Russian-speaking population's Representative Assembly, discussed and made recommendations on social integration issues, as did an analogous but independent roundtable that met monthly. The roundtable made recommendations, for example, to the Integration Foundation, which took these recommendations into account in the 2000-2007 integration program. However, not all of the roundtable's recommendations were implemented. In some cases the roundtable served to highlight general policy concerns that can be addressed only over a period of time. The Legal Chancellor-Ombudsman, who also operated a branch office in the heavily ethnic Russian northeastern town of Narva, handled complaints by private citizens against state institutions.

All residents, whether citizens or not, could file a complaint directly to the Chancellor-Ombudsman about alleged violations of human or constitutional rights. Complaints against government agencies, officials, and local authorities concerned property reform and restitution, education, transportation, court findings, and the right to employment, as well as social and housing rights. If the Chancellor-Ombudsman finds that particular legislation is in conflict with the constitution, the body responsible for passage of said legislation may be required to bring it into conformity with the constitution within 20 days. The Legal Chancellor-Ombudsman generally acted on cases by proposing changes in legislation and developing proposals to eliminate violations of law. The Legal Chancellor-Ombudsman proposes changes to legislation, but he

cannot initiate legislation. He has proposed legislation ranging from campaign advertising reform to health care issues.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law 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 thousand cases of domestic violence during the year. According to NGOs one in five women suffered from physical, sexual, or emotional domestic violence, and NGOs consider domestic violence a serious problem. Domestic violence is punishable by a fine or up to three years' imprisonment, if it was longstanding and unremitting violence, up to five years' imprisonment. In more than 700 cases persons were convicted for domestic violence during the year. Victims of domestic violence may obtain help, 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 137 rapes and 22 attempted rapes. By year's end 46 persons were convicted of rape.

Prostitution is not illegal 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, this was not the case 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.

In September the government opened the gender equality office. During August and September 300 civil servants from various ministries and state agencies took part in gender equality training provided by the government.

Children

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

Under the law, school attendance is mandatory and free from the age of 7 until students complete basic education, generally nine years total or until they reach 17 years of age. Approximately 98.7 percent of school-age 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 781 cases of violence against children, including domestic violence, and 123 cases of school violence during the year.

During the year there were 70 reports of rape and 7 attempted rapes committed against minors. The police registered 131 cases of sexual abuse committed against persons less than 18 years of age, which included 53 cases involving victims below the age of 14. By year's end 49 persons were convicted of different sexual assaults of minors.

There were reports of child prostitution.

Trafficking of children for sexual exploitation was a problem (see section 5, Trafficking).

Trafficking in Persons

There were reports that the country was a source, transit point, and destination for a small number of internationally and domestically trafficked women and children.

Although there is no specific law criminalizing all forms of trafficking, traffickers can be prosecuted under the law prohibiting enslavement and abduction. The maximum penalty is 12 years' imprisonment. In February the government prosecuted its first antitrafficking case under the enslavement statute, convicting four traffickers and sentencing them to from two years' probation to four years' imprisonment. The courts convicted five remaining persons involved in the case under other statutes such as forcing minors into prostitution and pimping, and sentenced them to conditional probation. Law enforcement investigated an additional 10 trafficking-related cases during the year. The

ministries of interior, of social affairs, of foreign affairs, and of justice are responsible for combating trafficking. The government participated in the work of the Nordic and Baltic Task Force on trafficking in persons. The government actively participated in antitrafficking activities within the European Union, the Organization of Security and Cooperation in Europe, CBSS, Nordic Council of Ministers, and the Council of Europe.

A recent study carried out by the International Organization for Migration (IOM) in which more than 160 domestic and international sources (including EUROPOL, INTERPOL, law enforcement, NGOs, IOM, and governmental ministries from the region) participated, estimates that the number of women and children trafficked into, through, and from the country between 2001 and 2004 was below 100. Women and minors were trafficked from the country to Nordic countries and Western Europe or in or to Estonia for sexual exploitation.

The trafficking pattern appeared to be unchanged from recent years. Travel-friendly regulations, short distances, low travel costs, and the draw of legitimate employment make the Nordic and EU countries easier destination points for traffickers. The traffickers were individuals, small groups, and organized criminals who ran the prostitution industry and mainly lured victims with the promise of legitimate employment and/or the opportunity to live and study abroad. The traffickers tended to befriend the 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 law provides protection as well as legal and medical compensation rights to victims of all crimes, including trafficking; but there was no evidence that this occurred for trafficking victims in practice. Each county had an assigned victim assistant who was able to provide trafficking and other victims access to the public assistance system. These assistants received trafficking in persons-specific training during the reporting period.

A trafficking hotline operated by one NGO generated over 400 calls. Of the callers, 24 percent wanted to learn how to find a job abroad and 1 percent about studying possibilities abroad; 16 percent wanted to know whether job mediation companies offering overseas employment were licensed; 8 percent asked about issues in the mass media; 8 percent asked informational questions; 1 percent asked about marriages with foreigners; 4 percent about divorce with a foreigner; 1 percent how to get a residence permit abroad; 1 percent about domestic violence; and 1 percent had to do with private travel abroad. Three percent of the calls came from relatives; 16 percent were repeat calls; 7 percent of the calls came from governmental organizations and other NGOs; and the remainder was classified as "other".

The Ministry of Social Affairs conducted a series of lectures for state officials, local governments, members of the Defense Forces serving as peace keepers abroad, employees unions, social workers, women's organizations, journalists, and victim assistance workers on prostitution and trafficking. In April the Ministry of Foreign Affairs organized consular officer training specifically tailored to teach consuls how to assist trafficking in persons victims who had been trafficked abroad. Over 100 teachers, school counselors, school psychologists, youth social workers, and career counselors participated in five training courses designed to address the prevention of youth trafficking.

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 in practice, although new or renovated buildings were generally accessible. During the year, the government increased rehabilitation services and technical equipment support for persons with disabilities. The Ministry of Social Affairs was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Non-ethnic Estonians, predominantly ethnic Russians, made up less than one-third of the population. Approximately 40 percent of non-ethnic Estonian residents were born in the country.

A court case, which involved Internet comments by a private citizen that publicly incited hatred and violence and were anti-Semitic, ended with a fine (see section 2.c.).

The police have started an investigation involving remarks in the media publicly inciting hatred on the basis of nationality.

The law provides for the protection of cultures of minority group citizens; however, some noncitizens alleged that 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.

The law requiring knowledge of the Estonian language prior to citizenship mandates that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must use the Estonian language, with actual proficiency determined through examination. Nonethnic Estonian residents who have obtained at least primary education proficiency in the Estonian language are exempted from the requirement to pass a language examination. Some noncitizen residents, particularly ethnic Russians, continued to allege job and salary discrimination because of the language requirements.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right for 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 antiunion behavior in the private sector. The journalists' union reported antiunion discrimination in the media sector during the year.

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 is protected by law and was freely practiced. The contracts covered approximately 15 percent of workers, including some nonunion members. The law provides for the right to strike, and workers exercised this right in practice. 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 age 15 to 17 may work with the consent of a parent or guardian, and children age 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 can 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 approximately \$218 (2,690 EEK) did not provide a decent standard of living for a worker and family; however, approximately 94 percent of the workforce earned above 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. Overtime pay shall not be less than 150 percent of the hourly wage rate 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 enforced them effectively. 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. Labor inspectors cited employers 2,812 times during the first 9 months of year. Two thirds of the citations were given for violations of requirements regarding occupational health and safety and one third for violating labor relations. Compliance with these citations was mandatory for employers. The labor inspectorate carried out two-week campaigns in June and in September-October for construction workers to draw attention to different risks at construction sites in order to reduce the number of accidents.

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