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U.S. Department of State

Estonia Country Report on Human Rights Practices for 1996

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ESTONIA

Estonia is a parliamentary democracy. With its statehood widely recognized as continuous for more than 70 years, Estonia regained its independence in 1991 after 50 years of Soviet occupation. The Constitution, adopted by referendum in 1992, established a 101-member unicameral legislature (State Assembly), a prime minister as Head of Government, and a president as Head of State. Free and fair indirect presidential elections took place in two rounds in August and September. A cabinet crisis was resolved in December.

The official conversion of the Soviet militia into the Estonian police preceded the reestablishment of the country's independence by about 6 months. Its conversion into a Western-type police force committed to procedures and safeguards appropriate to a democratic society is proceeding, with police leadership actively working to professionalize the force. The police, who are ethnically mixed, are subordinate to the Ministry of Internal Affairs. Corrections personnel are subordinate to the Ministry of Justice. The security service, called Security Police, is subordinate to the Interior Ministry but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

Estonia has a market economy. Reflecting the extent of its post-1992 reforms, Estonia signed a Europe Agreement with the European Union in 1995, which granted associate member status without a transition period. Services, especially financial and tourism, are growing in importance compared to historically more prominent light industry and food production. Privatization of small and medium firms is virtually complete, and privatization of large-scale enterprises is underway. The economy continues to grow steadily with gross domestic product (GDP) estimated to increase by about 3 percent in 1996.

Although prices continue to rise, incomes are rising faster than the rate of inflation. Per capita GDP is about \$2,400 per year. Two-thirds of Estonian exports (textiles, food products, wood and timber products) are now directed to Western markets. Unemployment remained fairly low overall (unofficially about 8 percent) but was significantly higher in rural areas.

The Government generally respected the human rights of its citizens and the large noncitizen community, but problems remained in some areas. The major human rights abuses continued to be mistreatment of prisoners and detainees, and the use of excessive force by the police. Prison conditions are poor. The deadline for noncitizens to file for permanent residency expired in 1996, after being extended twice. An undetermined number of noncitizens have still not filed for residency. Problems remain in processing the applications for permanent residency of some 19,000 Russian military retirees and family members. Processing of applications for alien passports continued. There were complaints about the low rate of issuance which, however, picked up late in the year. The Government continued to issue temporary travel documents and to accept former Soviet internal passports as identity documents.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Such practices are prohibited by law. However, there continued to be credible reports that police used excessive force and verbal abuse during the arrest and questioning of suspects. Punishment cells ("kartsers") continued to be used, in contravention of international standards.

Two cases of hazing were prosecuted in the military; one perpetrator was punished; charges against another were dropped for lack of evidence. There were reports of more instances of recruit mistreatment.

Prison conditions remained poor. Overcrowding continued in the Tallinn Central Prison built in 1765. The Government continued measures to address poor prison conditions and to make prison staff more professional. The first group of professionally trained corrections officers graduated from the National Defense Academy in June. Following several widely reported prison escapes, the head of the Corrections Department resigned in August. By late September, 3 prisoners had been killed by other prisoners, in contrast to 1992 when there were 32 such killings. Opportunities to study or work in prison were limited.

The Government has drafted a multiyear plan to refurbish and restructure all the country's prisons and to close the Tallinn Central Prison, but it had not yet been implemented by year's end. Some suggestions to improve prison conditions made by Council of Europe (COE) representatives in 1993 have been implemented, but fulfillment of others is still hampered by lack of resources and high turnover among prison staff.

The Government permits human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and laws forbid arbitrary arrest, detention, or exile, and the Government generally observes this prohibition. Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. If a person cannot afford counsel, the State will provide one. A person may be held for 48 hours without formally being charged; further detention requires a court order. A person may be held in pretrial detention for 2 months; this may be extended up to a total of 12 months by court order. Police rarely violate these limits. At midyear 1,555 of the 4,406 persons held in prisons were awaiting trial.

e. Denial of Fair Public Trial

The Constitution establishes an independent judicial branch and the judiciary is independent in practice. It operates through a three-tier court system: rural and city courts; district courts; and the State Court (which functions as a supreme court). The district and state courts are also courts for "constitutional supervision." At the rural and city levels, court decisions are made by a majority vote with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges who are then appointed by the President. Judges are appointed for life.

The Constitution provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence.

Estonia continued to overhaul its criminal and civil procedural codes. An interim Criminal Code that went into effect in June 1992 basically revised the Soviet Criminal Code by eliminating, for example, political and economic crimes. The Code of Criminal Procedure was adopted in 1994. New codes in a variety of fields were being drafted at year's end. A multiyear plan is being compiled to replace present criminal codes with new penal codes.

There were no reports of political prisoners. In September former dissident Tiit Madisson was sentenced to 26 months in prison for attempting to organize an armed overthrow of the Government. The sentence is being appealed.

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

The law requires a search warrant for search and seizure of property. During the investigative stage, warrants are issued by the prosecutor upon a showing of probable cause. Once a case has gone to court, warrants are issued by the court. The Constitution provides for secrecy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept a person's communications. Illegally obtained evidence is not admissible in court. In a widely reported case, the police in the summer of 1995 destroyed a field of alleged opium poppies without a warrant. A criminal case was filed against the owner of the field for growing opium poppies; the owner asserted that he was growing oil poppies. The case was settled out of court with the owner receiving compensation. At year's

end, security police and parliamentary investigations were continuing into the 1995 case involving then-Interior Minister Savisaar who was implicated in making unauthorized recordings of conversations.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government generally respects constitutional provisions providing for freedom of speech and the press. The media routinely do probing and thorough investigative reporting. Foreign newspapers and magazines are widely available. Most newsprint, printing, and distribution facilities are now private companies. There are four major national Estonian language and two Russian language dailies.

State broadcast media, including one nationwide television (TV) channel, continue to receive large subsidies, and the State has assured that these subsidies will continue. There are several major independent television and radio stations. Several Russian language programs, mostly Estonian produced, are broadcast over state and private television channels. Russian state TV and Ostankino programs are widely available via cable.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble freely, but noncitizens are prohibited from joining political parties, although they may form social groups. Permits for all public gatherings must be obtained 3 weeks prior to the date of the gathering. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom exercise it. There were no reports of government interference in mass gatherings or political rallies.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

The 1993 Law on Churches and Religious Organizations requires all religious organizations to have at least 12 members and to be registered with the Interior Ministry and the Board of Religion. Leaders of religious organizations must be citizens with at least 5 years' residence in Estonia.

The majority of Estonians are nominally Lutheran, but following deep-seated tradition there is wide tolerance of other denominations and religions. People of varying ethnic backgrounds profess Orthodoxy, including communities of Russian Old Believers who found refuge in Estonia in the 17th century. The Estonian Apostolic Orthodox Church (EAOC), independent since 1919, subordinate to Constantinople since 1923, and exiled under the Soviet occupation, reregistered under its 1935 statute in August 1993. Since then, a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure imposed during the Soviet occupation has insisted that it should have claim to the EAOC name. This group has refused to register under any other name, although its refusal to register violates the law. During 1996 representatives of the Moscow and Constantinople Patriarchates formed a joint commission to resolve the question. The dispute, which centers on property issues, is the subject of ongoing discussions. The Government has taken a hands off approach to the issue but has assured parishes aligned with the Russian Orthodox Church that they may continue to worship unimpeded. Free worship has occurred in practice.

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

The law permits free movement within the country, and it is honored in practice. It also provides for the right of foreign travel, emigration, and repatriation for citizens. There are no exit visas.

In July 1993, Parliament enacted a Law on Aliens that defines an alien as a person who is not a citizen of Estonia, i.e., a citizen of another country or a stateless person. The majority of noncitizens are ethnic Russians. The law provided a 1-year period during which noncitizens who came to Estonia prior to July 1, 1990, and were permanent residents of the former Estonian Soviet Socialist Republic, could apply for temporary residence permits. They could also apply for permanent residence at the same time. Following delays and confusion in implementation as well as criticism by international human rights observers, the application deadline was extended by a year, until July 12, 1995. By that date the vast majority of aliens--327,737 of the estimated 370,000--had filed applications. The Government extended the registration period until April 30, 1996. An indeterminate number of noncitizens--estimates range from 20,000 to 50,000--still have not registered.

There were complaints about the slow pace with which the Government was processing residence applications for some 19,000 Russian military pensioners. The process was complicated by the lack of Russian-provided passports in which to affix the permits. An estimated 35 percent of the first group of military pensioners missed the deadline to present their passports for residence permits. Technically, the Citizenship and Migration Board could move to have them deported. In fact, however, the Government is moving on a case-by-case basis to solve the outstanding issues. Late in the year, the Government decided to issue alien passports to those who could not or did not want to take out Russian citizenship.

No restrictions are placed on the right of noncitizens to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The Government began issuing temporary travel documents valid for a single departure and reentry into the country to resident aliens in 1994. To accommodate entry visa requirements of other countries, the validity perio