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1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor
U.S. Department of State, February 25, 2000

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. The judiciary is independent.

Efforts to develop and strengthen a Western-type police force committed to procedures and safeguards appropriate to a democratic society are 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 post-1992 reforms, the Government started accession negotiations with the European Union. Services, especially financial and tourism, are growing in importance compared to historically more prominent light industry and food production. The privatization of firms, including small, medium, and large-scale enterprises, is virtually complete. The Government is working on privatizing the remaining state-owned infrastructure enterprises. The growth of the economy has slowed, with an estimated increase of gross domestic product (GDP) of about 0.4 percent in 1999. Although prices continue to rise, incomes are rising faster than inflation. Per capita GDP is about \$3,677 per year. Two-thirds of exports (textiles, food products, wood, and timber products) now are directed to Western markets. Unemployment remained fairly low overall (unofficially about 8 percent), but it was significantly higher in rural areas.

The Government generally respected the human rights of its citizens and the large noncitizen community; however, 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 still have not filed for residency. By mid-year 18,000 of 19,000 noncitizen former Soviet military personnel had received temporary residence permits. Processing of applications for alien passports continued. By year's end, most applicants for alien passports had received them. The Government continued to issue temporary travel documents and to accept officially invalid former Soviet internal passports for identification in emergency situations, such as registering births and deaths.

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.

In 1998, President Lennart Meri created an international commission for research into crimes against humanity perpetrated in the country from 1940-91. The commission began work in January and held three formal meetings during the year. In November the Commission authorized sending an investigator to study materials in the Russian and German archives addressing this era.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; 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.

Prison conditions remained poor, although there were some improvements. A lack of funds and trained staff continued to be a serious problem. Overcrowding in the antiquated Tallinn Central Prison persisted. The percentage of prisoners suffering from tuberculosis was much higher than in the general population. The Government has refurbished some prison buildings. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners increased slightly as the Government implemented new programs. The Government is considering new regulations that would reduce significantly the number of persons incarcerated and thereby alleviate overcrowding. During the year, 341 prisoners had been released in the calendar year under the Government's early release program for prisoners. Unlike previous years, there were no reports of prisoners killed by other prisoners.

The Government has drafted but not yet implemented a multiyear plan to refurbish and restructure all the country's prisons and to close the Tallinn Central Prison.

The Government permits human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and laws forbid arbitrary arrest and detention, and the Government generally observes these prohibitions. 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 term may be extended to a total of 12 months by court order. Police rarely violate these limits. As of year's end, 1,392 of the 4,528 persons held in prisons were awaiting trial.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution establishes an independent judicial branch, and the judiciary is independent in practice. The judiciary 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 role of the Chancellor of Justice and the ombudsman have been combined under legislation passed by Parliament in February. Parliament rejected a proposal for an independent ombudsman. The ombudsman is to handle complaints by private citizens against state institutions; the Chancellor has started such work.

The Constitution provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the 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.

The Government continued to overhaul the country's criminal and civil procedural codes. An interim Criminal Code that went into effect in 1992 basically revised the Soviet Criminal Code by eliminating, for example, political and economic crimes. The Code of Criminal Procedure was adopted in 1994.

There were no reports of political prisoners.

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

The law requires a search warrant for the 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.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government respects constitutional provisions providing for freedom of speech and of the press. The media routinely carry out probing and thorough investigative reporting. Foreign newspapers and magazines are widely available. All newsprint, printing, and distribution facilities are private companies. There are four major national Estonian language and two Russian language dailies, in addition to important weeklies. In a widely reported 1997 case, a well-known journalist was tried and convicted for insulting the spouse of a prominent politician in a newspaper interview and received a fine. All levels of the judiciary upheld the sentence. The European Court of Human Rights agreed in 1998 to hear the case, and it was still pending at year's end.

The Law on Language prohibits the use of any foreign language on all public signs, advertisements, and notices, including election posters. The prohibition on campaign posters written in other than Estonian resulted in protests by one political party. State and public broadcast media, including one nationwide television channel (Estonian Television/ETV), continued to receive large government subsidies. Although the State once assured that these subsidies would continue, some officials called during the year for the combination of ETV and Estonian radio, along with a simultaneous reduction in their budgets by 50 percent. In 1998 Estonian Television (ETV) agreed not to broadcast commercials in return for annual subsidies from the commercial television stations; however, early in the year the agreement collapsed and state television again began to carry commercials, placing it in competition with commercial channels for advertising revenue.

The Estonian Broadcasting Council fired the general director of ETV, Toomas Lepp, on December 13 stating that Lepp was discharged because of management failures, financial difficulties at ETV, and Lepp's "undisciplined" behavior. Lepp said that his discharge had political motivation and was illegal, and he said that he would protest to the Arbitration Board. At year's end, the issue was unresolved.

There are several major independent television and radio stations. Several Russian-language programs, mostly produced in Estonia, are broadcast over state and private television channels. The Government played a key role in encouraging Russian language programs on state television. These Russian programs include highly professional talk shows and comprehensive news broadcasts. However, government budget cuts initiated during the year reduced the budget of ETV's Russian-language department by 30 to 40 percent, reducing the department's ability to create self-produced programs. Russian state television and Ostankino programs are widely available via cable.

The country still lacks a law on freedom of information. The governmental expert committee has worked out a draft law, but it has become an object of criticism. Neither

journalists nor parliamentarians agree with the draft law. At year's end, Parliament had not passed the freedom of information bill.

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 do so. There were no reports of government interference in mass gatherings or political rallies.

The Constitution provides for the right of free association, and the Government respects this right in practice.

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 the country.

The majority of citizens are nominally Lutheran, but following deep-seated tradition there is wide tolerance of other denominations and religions. Persons of varying ethnic backgrounds profess Orthodoxy, including communities of the descendants 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. Representatives of the Moscow and Constantinople Patriarchates agreed in May that the Moscow Patriarchate would register under a new name. In June the State and the Moscow Patriarchate reached a tentative agreement over the use of Nevski Cathedral and Kuremae Monastery. The Moscow Patriarchate agreed to allow the monastery to be registered as state property, after which the State would either donate or rent the property back to the Moscow Patriarchate. Throughout the dispute, 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. The law also provides for the right of foreign travel, emigration, and repatriation for citizens. Passports serve as identification but do not have to be carried at all times. There are no exit visas.

In 1993 Parliament enacted a Law on Aliens that defines an alien as a person who is not a citizen of Estonia, that is, 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 also could 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 ranged from 20,000 to 50,000--still had not registered. In 1997 the Government began a campaign to register this group of aliens, pledging not to take any measures against them. By September 1998, some 2,000 had come forward. In 1997 the Government proposed and Parliament approved an amendment to the aliens law that allowed those who had applied for residence by July 12, 1995, to change temporary residence permits to permanent ones. This law was implemented in September 1998, 2 years earlier than the original act envisioned.

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. However, by mid-year no recommendations to deport any persons had been made. The Government is moving on a case-by-case basis to solve the outstanding issues. By September, out of some 19,000 persons who applied, the Government issued 17,000 temporary residence permits to retired Russian servicemen. Approximately 2,200 retired Russian servicemen have submitted applications to extend their residency. The Government refused residence to 22 former members of the Soviet military forces.

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 the entry visa requirements of other countries, the validity period of the document was extended in 1994 from 6 months to 2 years. In late 1994, the Government began issuing alien passports, which are issued to resident aliens not in possession of any other valid travel document. Such aliens included: (1) persons who are designated as stateless; (2) foreign citizens who lack the opportunity to obtain travel documents from their country of origin or from another state; (3) persons who file for Estonian citizenship and pass the language examination if required; and (4) aliens who are permanently departing Estonia. The Government plans to expand the classes of noncitizens eligible for alien passports. It already has approved their issuance to noncitizens intending to study abroad and has agreed to issue them to former military personnel who cannot or do not want to take out Russian citizenship. By year's end, approximately 216,000 persons had applied for alien passports and 190,190 passports had been issued.

The Government deported a relatively small number of illegal aliens, usually those caught in criminal acts. By September 18 illegal aliens were held as internees, pending

deportation or a court order granting them residence. Internees are held in a wing of a regular prison. In July Finland and Estonia entered into a cooperation agreement to construct a new facility for illegal aliens and asylum seekers in East Viru county.

In 1997 Parliament passed a refugee law that brought domestic legislation into conformity with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol and also in 1997 amended several social security acts to provide refugees with social benefits identical to those of citizens. In February Parliament passed amendments to the refugee law that delegated authority from the Government to the Citizenship and Migration Board, clarified the refusal of refugee status, and established a state registry for asylum. In accordance with one of the articles contained in these amendments, starting on October 1 temporary residence permits could be granted to persons whose applications for a residence permit are based on an international agreement. The program began as scheduled, and as of October 13, 43 persons had applied for asylum of whom 33 still were waiting for a reply. All 10 of the applications that had been processed were turned down by the Citizenship and Migration Board on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention.

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

Citizens have the right to change their government. In March free and fair elections to the Parliament were held. The new Government is a coalition of the Pro Patria, Moderate, and Reform Parties. Among the deputies are four ethnic Russians. Indirect presidential elections were held in 1996. When the Parliament failed to muster the required two-thirds majority to elect the President, an Electoral Assembly consisting of Members of Parliament and representatives of local governments convened and reelected the incumbent, Lennart Meri.

Local elections were held in October. According to legislation, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election can vote but cannot run for office. The local elections were free and fair. All candidates had certified that they knew Estonian sufficiently to be able to function in local government.

The 1992 Citizenship Law readopted the 1938 Citizenship Law. According to that law, anyone born after 1940 to a citizen parent is a citizen by birth. The parent does not have to be an ethnic Estonian. The Government estimates that under this provision some 80,000 persons not ethnically Estonian have obtained citizenship. The law included requirements for naturalization, such as a 2-year residency requirement, to be followed by a 1-year waiting period, as well as knowledge of the Estonian language. According to Max van der Stoep, the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities, over 200,000 persons experienced a reduction in status to that of resident alien. Citizenship is provided to those who were citizens in 1940 and their descendants, not to those who moved to Estonia during occupation (resident aliens).

In 1995 Parliament adopted a Citizenship Law revising the 1992 law and combining into one statute provisions regarding citizenship that were scattered among several pieces of legislation. It extended the residency requirement for naturalization from 2 to 5 years and added a requirement for knowledge of the Constitution and the Citizenship Law. Persons

who had taken up legal residence in the country prior to July 1, 1990, are exempt from the 5-year legal residence and 1-year waiting period requirements. The law allows the Government to waive the language requirement but not the civic knowledge requirement for applicants who have Estonian language elementary or higher education, or who have performed valuable service to Estonia. In December 1998, Parliament approved legislation that amended the citizenship law to grant citizenship to stateless children born after February 26, 1992 to legally resident stateless parents (upon the parents' or guardians' application). The President proclaimed the law in December 1998, and it went into effect on July 12. As of September 2, parents had applied for citizenship for 34 such children.

On October 1, the Government dropped the immigration quota on the issuance of residence permits to those noncitizens who settled in the country prior to July 1, 1990, and who have not departed the country subsequently.

By law the following classes of persons are ineligible for naturalization: those filing on the basis of false data or documents; those not abiding by the constitutional system or not fulfilling the laws; those who have acted against the State and its security; those who have committed crimes and have been punished with a sentence of more than 1 year or who have been repeatedly brought to justice for felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who have served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. (The latter includes spouses who have come to Estonia in connection with the service member's assignment to a posting, the reserves, or retirement.) A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years.

Between 1992 and August 1, 108,383 persons received citizenship through naturalization. The vast majority of these persons, 87,712, were naturalized by the end of 1996. In 1997 the Russian embassy reported that some 120,000 persons had obtained Russian citizenship; however, the Embassy declined to supply the Government with a list. The number of Russian citizens may be lower since the Russian Embassy does not appear to keep records of those who die or leave the country. The Government reported that by August 1 it had issued 144,631 residence permits to foreign nationals. As of August, the Government also had issued 35,816 permanent and 16,180 temporary residence permits.

While some officials in the Russian Government and in the local Russian community continued to criticize the citizenship law as discriminatory, the OSCE as well as numerous international fact-finding organizations, including the Finnish Helsinki Committee, confirm that the Citizenship Law conforms to international standards.

Bureaucratic delays and the Estonian language requirement are also cited as disincentives for securing citizenship. The Government has established language-training centers, but there is a lack of qualified teachers, financial resources, and training materials. Some allege that the examination process, which 75 to 90 percent pass, is arbitrary.

There are no legal impediments to women's participation in government or politics. However, women are underrepresented in government and politics. There are 18 women among the 101 members of Parliament. Two ministers are women. There are four ethnic Russian deputies in Parliament. At year's end, the law was amended to place language

requirements on Members of Parliament; Russian speakers protested.

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

The Government does not restrict the formation or functioning of human rights organizations. In response to allegations of poor treatment of ethnic minorities, the President established a Human Rights Institute, which first convened in 1992. The purpose of the Institute is to monitor human rights in the country and to provide information to the international community. It investigates reports of human rights violations, such as allegations of police abuse and inhuman treatment of detainees. In 1997 the Institute established an information center in the heavily ethnic Russian town of Kohtla-Jarve. In addition because of tensions surrounding the adoption of the Elections Law and the Aliens Law in 1993, the President established a roundtable composed of representatives of Parliament, the Union of Estonian Nationalities, and the Russian speaking population's Representative Assembly. An analogous but independent roundtable meets in the county of East Virumaa. In addition with initial funding from the Danish government, a nongovernmental legal information center in Tallinn provides free legal assistance to individuals--citizen and noncitizen alike--seeking advice on human rights-related issues.

Because of repeated Russian allegations of human rights violations among the noncitizen population, both the OSCE mission in Estonia and the OSCE High Commissioner on National Minorities have declared that they could not find a pattern of human rights violations or abuses in the country. The Government in 1998 addressed two outstanding recommendations of the OSCE High Commissioner on National Minorities, by simplifying the civic knowledge portion of the naturalization process and passing legislation to grant automatic citizenship to children born after February 26, 1992 to resident stateless persons upon parental application. There are also at least 10 nongovernmental organizations devoted to developing and implementing local programs to assist the integration of non-Estonians into society.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, social status, or for any other reason. The Government reports that no court cases charging discrimination have been filed. Two court cases begun in 1998 are pending but have not come to trial, regarding allegations of racial hatred fomented by a leader of a Russian military pensioners' group in northeast Estonia. The pensioners' leader organized an unauthorized assembly in the city of Sillamae and claimed that the human rights of the Russian pensioners in the region were abused by the Government. There are no regulations on how deaf or blind persons are to take the language or citizenship tests.

Women

Violence against women, including spousal abuse, was the subject of increasing discussion and media coverage. According to women's groups and law enforcement officials, family violence is not pervasive. Rape and attempted rape occur relatively infrequently. During the year, there were reports of 50 rapes and 3 attempted rapes,

compared with 53 rapes and 14 attempted rapes for 1998. However, studies show that 40 percent of crime in the country goes unreported, including domestic violence. Even when the police are called, the abused spouse often declines to press charges.

Both the Center of Women Citizens and a roundtable of women's organizations were established in 1998. Women have the same legal rights as men and legally are entitled to equal pay for equal work. Nevertheless, although women's average educational level was higher than that of men, their average pay was lower, and the trend did not seem to be improving. There continue to be female- and male-dominated professions. Women constitute slightly more than half of the work force. They also carry major household responsibilities.

Children

The Government's strong commitment to education is evidenced by the high priority that it gives to building and refurbishing schools. The Government provides free medical care for children and subsidizes school meals. In 1992 the Government adopted a Law on Child Protection patterned after the U.N. Convention on the Rights of the Child.

There is no societal pattern of child abuse, but a 1995 research project conducted by the nongovernmental Estonian Union for Child Welfare on children and violence at home found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first 7 months of the year, police registered 10 cases of sexual abuse--7 female victims and 3 male victims. In the same time period, there were 54 cases of procurement for prostitution of victims younger than age 16. Also in the first 7 months of the year, there were no rape cases in which the victim was younger than 14.

People with Disabilities

While the Constitution contains provisions to protect disabled persons against discrimination, and both the State and some private organizations provide them with financial assistance, little has been done to enable the disabled to participate normally in public life. There is no public access law, but some effort to accommodate the disabled is evident in the inclusion of ramps at curbs on new urban sidewalk construction. Public transportation firms have acquired some vehicles that are accessible to the disabled, as have some taxi companies. There are no regulations on how deaf or blind persons are to take the language or citizenship tests.

National/Racial/Ethnic Minorities

The OSCE mission in Estonia, established in 1993, continued to promote stability, dialog, and understanding among communities. The President's Roundtable, also established in 1993, is composed of Members of Parliament, representatives of the Union of Estonian Nationalities, and the Representative Assembly of the Russian Community; it continued to work toward finding practical solutions to problems of noncitizens. The analogous but independent roundtable that met in the northeastern part of the country (see Section 4) worked on similar issues.

The Law on Cultural Autonomy for citizens belonging to minority groups went into effect

in 1993. The tradition of protection for cultural autonomy dates from a 1925 law. Some noncitizens termed the law discriminatory, since it restricts cultural autonomy only to citizens. The Government replied that noncitizens can participate fully in ethnic organizations and that the law includes subsidies for cultural organizations.

The population is slightly less than 1.5 million. Ethnic Russians total approximately 29 percent, and nonethnic Estonians total approximately 37 percent. During the years of the country's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to Estonia to work as laborers and administrators. These immigrants and their descendants now compose approximately one-third of the total population; about 40 percent of them were born in Estonia. Approximately 8 percent of the population of the pre-1940 Republic was ethnic Russian.

Some noncitizens, especially Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. Russian government officials and parliamentarians echoed these charges in a variety of forums. In March 1998, the Government accepted a Russian Government proposal to establish a high-level commission to examine all aspects of bilateral relations. One of the subgroups of the commission would examine the humanitarian aspects of the Russian minority in Estonia and possibly of the Estonian minority in Russia. By year's end, the commission had been established, but it had not met.

Other than for land ownership, the 1993 Law does not distinguish between citizens and noncitizens for purposes of business or property ownership. A 1996 law on land ownership further liberalized land ownership by foreigners; such ownership now is restricted only in certain strategic areas. All legal residents of Estonia may participate equally in the privatization of state-owned housing.

Estonian language requirements for those employed in the civil service went into effect in 1993. As originally passed, the Law on Public Service required state employees to be proficient in Estonian by the end of 1995. In December 1995, Parliament amended the Law on Public Service to allow noncitizen local and national government employees without adequate Estonian to continue working until February 1, 1997. No noncitizens were to be hired after January 1, 1996. This amendment reflected the Government's awareness that in some sectors, the number of employees with inadequate Estonian remained high. On February 9, the Parliament again amended the Law on Language, requiring that all public servants, service personnel, and sole proprietors must be able to use the Estonian language. While the Government is to establish regulations pertaining to and describing the level of proficiency, the actual proficiency is to be determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. On July 27, the Government issued the implementation decree for the amendments to the language law regarding public sector employees as well as those employed in the medical profession. The implementing decree for private sector workers was expected in October, but it was not issued by year's end.

In May 1997, 3 policemen were dismissed for not knowing sufficient Estonian; earlier in 1997, 11 policemen were dismissed for not filing for Estonian citizenship by the established deadline. Also in 1997, five prosecutors and two judges were dismissed for presenting forged certificates regarding their knowledge of Estonian; two have been

restored to their positions; criminal charges against one judge were dropped. At the end of 1998, a total of 300 police officers had been dismissed because of their poor command of Estonian and failure to acquire citizenship, and they have not been rehired.

The language office liberally grants extensions to persons who can explain their failure to meet the requisite competence level in 4 years. Estonian language training is available; however, some claim that it is too costly. Some Russian representatives have asked for free language training. They have charged also that the language requirement for citizenship is too difficult. There has been a proposal to make the language requirement less rigorous. The examination fee for either language test--for employment or citizenship--is 15 percent of the monthly minimum wage, although it is waived for the unemployed.

Legislation and a government decision provide that, in districts where more than one-half of the population speak a language other than Estonian, the inhabitants are entitled to receive official information in that language.

All residents, whether or not they are citizens, can complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case and have decided in favor of complainants. All decisions are in Estonian but if a complaint is received in a language other than Estonian (usually Russian) the court provides a complimentary translation.

Two court cases begun in 1998 are pending but have not come to trial; they concern allegations of racial hatred fomented by a leader of a Russian military pensioners' group in northeast Estonia.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form and join a union or employee association. The Central Organization of Estonian Trade Unions (EAKL) came into being as a wholly voluntary and purely Estonian organization in 1990 to replace the Estonian branch of the official Soviet labor confederation, the All-Union Central Council of Trade Unions. The EAKL has 65,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL in 1993 and has 45,000 members. A central union of food processing and rural workers was established in 1997. About one-third of the country's labor force belongs to one of the three labor federations.

The right to strike is legal, and unions are independent of the Government and political parties. The Constitution and statutes prohibit retribution against strikers. There was a strike by metal workers in Viljandi during the year.

Unions may join federations freely and affiliate internationally.

b. The Right to Organize and Bargain Collectively

While Estonian workers have the legally acquired right to bargain collectively, collective bargaining is still in its infancy. According to EAKL leaders, few collective bargaining

agreements have been concluded between management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage. The EAKL also was involved with developing the country's post-Soviet era Labor Code covering employment contracts, vacation, and occupational safety. The Labor Code prohibits antiunion discrimination, and employees have the right to go to court to enforce their rights. In 1993 laws covering collective bargaining, collective dispute resolution, and shop stewards were enacted.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor although it does not specifically prohibit forced and bonded labor by children (see Section 6.d.). The Labor Inspections Office effectively enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution forbids forced or bonded labor. The Government ratified the U.N. Convention on the Rights of the Child, which bans forced child labor. The statutory minimum age for employment is 16 years. Minors 13 to 15 years of age may work provided they have the written permission of a parent or guardian and the local labor inspector. The work may not endanger the minor's health or be considered immoral, cannot interfere with studies, and must be included on a Government-prepared list. Government authorities effectively enforce minimum age laws through inspections. There were no reports of forced or bonded labor by children in enterprises (see Section 6.c.); however, there were instances of families forcing their children to engage in peddling or begging.

e. Acceptable Conditions of Work

The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage is \$86 (1,250 Estonian crowns). The minimum wage is not sufficient to provide a worker and family with a decent standard of living. About 5 to 6 percent of the work force receive the minimum wage. The average monthly wage in the second quarter was about \$310.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period. According to EAKL sources, legal occupational health and safety standards are satisfactory, but they are extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective to date. In addition the labor unions have occupational health and safety experts who assist workers to bring employers in compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, the existing criminal codes

regarding kidnaping and extortion are used to address this problem. There were reports of trafficking of women during the year, including a case where women were transported to serve in the sex industry in Germany.

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