

# ESTONIA

## EXECUTIVE SUMMARY

Estonia is a multiparty, constitutional democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. The prime minister and cabinet generally represent the party or coalition of parties that have a majority of seats in parliament. Parliamentary elections held on March 6 were generally free and fair. Security forces reported to civilian authorities.

While there were no reports of widespread human rights abuses, there continued to be reports of trafficking, primarily of women for sexual exploitation and men and women for forced labor elsewhere in the EU. Conditions in some detention centers remained poor, and lengthy pretrial detention continued to be a problem. The country made only slow progress during the year in naturalizing its large population of stateless persons.

There were human rights problems in other areas. There were allegations that police used excessive force during the arrest of suspects. Societal problems included domestic violence and discrimination against women in the workplace.

The government took steps to punish officials who committed abuses, and there were no reports of impunity.

### **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, but there were reports that police used excessive physical force and verbal abuse during the arrest and questioning of some suspects.

In 2010 authorities filed 20 criminal cases for excessive use of force against police officers, three against prison guards, and two against tax and customs officers. In 2010, three individuals were found guilty in county courts of excessive use of force.

### **Prison and Detention Center Conditions**

In the course of inspection visits to a number of institutions, the legal chancellor (the country's ombudsman) found a number of deficiencies in prison and detention center conditions, particularly in detention centers where detainees are kept for short periods. He observed deficiencies in the availability of medical care in several institutions. In one prison facility, he noted that the addition of a unit for elderly male prisoners resulted in insufficient hygienic facilities for female detainees. The continuing use of Soviet-era prisons for a large minority of prisoners remained a problem, although the government was in the process of phasing out these facilities. In these institutions recreational facilities were deficient, especially during winter months, and hygienic facilities were few and in poor condition.

On April 19, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its 2007 visit to the country. The report found that material conditions of detention in the facilities it visited, particularly the Kohtla-Jarve prison (since closed) and institutions in Rakvere, Tallinn, and, to a lesser extent, Narva, were "appalling." Inmates were being held in filthy and overcrowded cells that had little or no access to natural light, only dim artificial light, and poor ventilation. The CPT noted that the situation at the Kohtla-Jarve, Narva, Rakvere, and Tallinn detention facilities was further exacerbated by an impoverished regime under which inmates were confined to their cells 24 hours a day without being offered any out-of-cell activities for weeks or months on end.

At the end of 2010, the country's prisons held 3,393 persons, including 2,649 convicted prisoners and 744 pretrial detainees. Women made up 6 percent of prisoners. There were 23 convicted prisoners and 20 pretrial detainees under the age of 18. As of the beginning of 2010, the number of inmates was slightly smaller than the official capacity of the system overall, but at least one institution was slightly overcrowded at the beginning of the year. The government made efforts to reduce the number of prisoners. In response to the CPT's report, the

authorities stated they had significantly increased the rate of conditional release of certain prisoners.

On December 14, the Supreme Court acquitted the former acting director of the Murru Prison of all charges in a 2006 case involving the death of two inmates at the hands of other prisoners. On May 5, a district court had found him guilty of the nondisclosure of a criminal offense. In October 2010, a court had convicted the former warden as an accessory to murder in the same case and sentenced him to three years in prison.

Prisoners and detainees had access to potable water. There were no reports that prisons' recordkeeping was inadequate in 2010. The individual institutions do not have ombudsmen, but authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated all complaints and documented the results of their investigations in a publicly accessible manner. Prisoners and detainees had reasonable access to visitors and were permitted religious observance.

The government generally permitted monitoring in accordance with its standard modalities by independent nongovernmental observers, including human rights groups, the media, and relevant international bodies. Monitoring occurred during the year.

The government continued to improve conditions in prisons and detention centers. Several new facilities have been opened since the 2007 CPT report, and many of the facilities deemed inadequate have been closed, including the detention center in Kohtla-Jarve and the Viljandi Juvenile Prison. The Viru Prison and the Johvi detention center, both opened in 2008, significantly eased the overcrowding of detention centers. Since the receipt of the CPT's findings in 2007, the government has gradually improved the lighting, food preparation, and hygienic facilities in detention centers. Detained persons have access to daily newspapers and the right to use telephones at their own expense. In facilities where the technological resources exist, they may use the government's electronic legal database and register of court rulings.

#### **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, the border guard board, the security police board, and the tax and customs board. 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 Procedures and Treatment While in Detention**

By law authorities must in most cases 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 individuals for 48 hours without charge; further detention requires a court order. Police rarely violated these requirements. Detainees are entitled to immediate access to legal counsel, and the government pays for legal counsel for indigent persons

Pretrial Detention: Lengthy pretrial detention was a problem. By law authorities may hold a person in pretrial detention for six months. In a particularly complex criminal case, the judge responsible for the preliminary investigation may extend the length of detention at the request of a chief public prosecutor. Approximately 23 percent of the incarcerated population was in pretrial detention; the average length of pretrial detention was seven months. The legal chancellor reported cases of insufficient access to legal documentation in prisons and detention centers and an inadequate number of telephones to contact family members.

### **e. Denial of Fair Public Trial**

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

### **Trial Procedures**

Defendants enjoy a presumption of innocence. Trials are public. Juries are not used. Cases may be heard by a single judge, a judge together with public

assessors, or a committee of judges. 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 attorneys. 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. Defendants have the right of appeal.

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.

### **Regional Human Rights Court Decisions**

The European Court of Human Rights (ECHR) delivered three judgments regarding Estonia during the year and found one instance in each of them in which the country had violated its obligations under the European Convention on Human Rights.

### **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights violations, and could appeal adverse judgments to the ECHR. The government complied with domestic and regional court decisions pertaining to human rights.

### **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**

## **Status of 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 and no 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.

## **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.

### **Freedom of Association**

The constitution provides for this right for citizens, and the government generally respected it in practice. The law specifies that only citizens may join political parties, but noncitizens are free to join other civil groups.

## **c. Freedom of Religion**

See the Department' of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

#### **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.

##### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In its 2010 annual report, the nongovernmental organization (NGO) Estonian Human Rights Center (EHRC) suggested that asylum seekers were poorly informed about their rights including the right to file for a stay of deportation while the initial rejections of their applications were being appealed. Government authorities indicated that all asylum seekers were provided access to legal aid at every stage of the asylum procedure.

Safe Country of Origin/Transit: The government has a policy of denying asylum applicants from a “safe” country of origin or transit. The UNHCR has expressed concern about the government’s policy of refusing entry and immediately sending away persons who have transited such a country, particularly about their right to appeal their denial from outside of the country.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees and provided it to six individuals during the first 11 months of the year.

##### **Stateless Persons**

Citizenship derives primarily from one’s parents; it is conferred automatically if either parent is Estonian. Children born in the country after 1992, who are younger than 15, and whose parents are stateless residents who have lived in the country for five years, are eligible to acquire citizenship by naturalization at their parents’ request.

As of August 1, according to government statistics, 98,915 persons, or 7 percent of the population, were of undetermined citizenship--de facto stateless. The UNHCR had reported that in January the number of stateless persons was 100,983. Nearly all were ethnic Russians, Ukrainians, Belarusians, or others who became stateless upon the demise of the Soviet Union. In 2010, according to the NGO Estonian Cooperation Assembly, 24 percent of the country's ethnic minorities were of undetermined citizenship, or stateless, 50 percent were citizens of Estonia, 23 percent were Russian citizens, and 3 percent declared themselves citizens of another state.

Nearly all stateless persons were long-term residents; they could vote in local, but not parliamentary, elections. There are statutory procedures that offer opportunities for obtaining citizenship, but some human rights observers regarded them as inadequate. In the case of newborn children, the legal chancellor recommended reversing the law in order to grant automatic citizenship to the children of legal residents but permit children to be stateless at the request of their parents. Individuals of undetermined citizenship were eligible to apply for naturalization, but must pass language and civics tests. In 2010, 54 percent of those taking the test at the level required to acquire citizenship passed. Authorities have adopted policies, such as funding civics and language courses and simplifying the naturalization process for persons with disabilities, to facilitate acquisition of citizenship by those stateless persons who wish it. Although many residents preferred Russian citizenship or statelessness to Estonian citizenship, some human rights observers continued to criticize the government's integration policies as too one sided. In its annual report for 2010, the EHRC noted that the continuing fall in the rate of naturalization was unlikely to be reversed unless the citizenship law was liberalized.

### **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 based on universal suffrage.

#### **Elections and Political Participation**



Recent Elections: On March 6, the country held parliamentary elections that were considered free and fair and led to the formation of a two-party coalition government, which took office on April 6.

Political Parties: Political parties could operate without restriction or outside interference. Only citizens may be members of political parties.

Participation of Women and Minorities: There were 20 women in the 101-seat parliament. The speaker and deputy speaker of the parliament were women. There was one female minister in the 13-member cabinet. The 24 percent of the country's non-Estonian population that were stateless could not participate in the election process at the national level. Noncitizens who are long-term residents may vote in local elections, but cannot vote in national elections or hold office. Citizens of the European Union who have established permanent residency may also vote in local elections, and those who are entered into the country's population register may vote in elections for Estonian representatives to the European Parliament. Ten members of ethnic minorities served in the 101-seat parliament.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively as demonstrated in the World Bank's broad-based corruption indicators. The government has effective mechanisms to investigate and punish abuse and corruption. There were several reports of government corruption during the year. One example was that of Kaimo Jarvik, the Tallinn Municipal Police Chief, who was convicted by the Harju County Court in April of accepting bribes from Bailiff Priit Lantin totalling 9,500 euros (\$12,350) from January 2010 to January 2011 in return for being awarded a contract to collect delinquent fees. Lantin was fined 45,000 euros (\$58,000) and Jarvik, as the result of a plea bargain, served two months of an 18-month sentence and was placed on three years' probation. Both men were also barred from holding public office for three years.

In 2010 authorities filed charges against individuals in 20 corruption cases related to ministries and county governments and 36 related to local municipal governments. Of the latter, 14 involved officials of local government, 10 involved heads of local governments, five involved members of local councils, and the rest

involved private firms or individuals. Six corruption cases resulted in charges in Narva and five each in Tallinn and Rakvere.

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

The law provides for public access to government information and allows for monitoring of the public sector's performance, and the government provided such access in practice to citizens and noncitizens, including foreign media.

### **Section 5. 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.

Government Human Rights Bodies: The legal chancellor, an independent official with a staff of over 40 persons, performs the role of human rights ombudsman. The legal chancellor reviews legislation for compliance with the constitution; oversees authorities' observance of fundamental rights and freedoms and the principles of good governance; and helps resolve accusations of discrimination based on gender, race, nationality (ethnic origin), color, language, religion, social status, age, disability, and sexual orientation. The legal chancellor also makes recommendations to ministries and local governments, requests responses, and has the authority to appeal to the Supreme Court. The legal chancellor compiles an annual report for parliament. Public trust in the office was high, and the government was responsive to the reports and decisions issued by the office.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced the prohibitions. Nevertheless, violence against women and child abuse were problems.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape; and physical abuse, including domestic violence.

The penalty for rape, including spousal rape, is up to 15 years' imprisonment. In 2010 police reported 81 rapes, representing 29 percent of all sexual crimes. Authorities prosecuted rape cases.

Violence against women, including domestic violence, was a problem. Physical abuse (the law does not differentiate by gender) is punishable by a fine or imprisonment of up to three years, up to five in instances of longstanding and unremitting violence. Police statistics for 2010 recorded 4,320 cases of physical abuse, including domestic violence and the physical abuse of minors. There were 61 cases of longstanding and unremitting violence. Domestic violence accounted for 28 percent of all physical abuse cases. Physical abuse formed 61.9 percent of all violent crimes in the country. Also in 2010, courts convicted 1,057 individuals of physical abuse and 40 of longstanding and unremitting violence. Victims of domestic violence may obtain help, including counseling and legal assistance, from social workers employed by local governments and from specialized NGOs.

Sexual Harassment: The law prohibits sexual harassment, but some incidents of sexual harassment in the workplace occurred. According to the law, disputes over sexual harassment may be resolved in court, by an administrative hearing before the legal chancellor, or by the gender equality and equal treatment commissioner. An injured party may demand termination of the harmful activity and compensation for damages. In 2010 the gender equality and equal treatment commissioner received three complaints regarding sexual harassment, all from women. In 2009, 4.4 percent of women participating in a government survey stated they had experienced sexual harassment.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so. Health clinics and local health NGOs operated freely in disseminating information on family planning. There are no restrictions on access to contraceptives. The incidence of maternal mortality was low. Access to maternal health services, including skilled attendance during childbirth, prenatal care, essential obstetric care, and postpartum care was available free of charge. Women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: During the first six months of the year, the gender equality and equal treatment commissioner received 164 complaints and determined that six of them involved gender discrimination. In one such case, an employer refused to accept a woman for a position because she had a small child. Although women have the same 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 of women was higher than that of men, women's average pay continued to be generally lower, and there continued to be female- and male-dominated professions. According to the World Economic Forum's 2010 Global Gender Gap Report, Estonian women earned 65 percent of men's wages for the same work.

A gender equality and equal treatment commissioner, an independent expert, monitored compliance with the law requiring equal treatment. The Gender Equality Department of the Ministry of Social Affairs is responsible for coordinating the government's efforts to eliminate gender inequality, drafting legislation to this end and promoting gender equality.

## **Children**

Birth Registration: Citizenship derives from one's parents. Either citizen parent may pass citizenship to a child regardless of the other parent's citizenship status. Children born to members of the country's large population of stateless persons were automatically stateless unless a long-term resident-parent applied to obtain citizenship for the child before the child reached the age of 15. Births were registered in a timely manner.

Child Abuse: Child abuse continued to be a problem. In 2010, of the 61 cases in which individuals were convicted of sexual assault, 43 involved victims who were minors. The police and the Border Guard Board worked to combat child abuse, including sexual abuse. In 2010 police registered 27 cases of forcible rape of minors and 204 cases of sexual abuse of persons younger than 18, including 53 cases involving victims younger than 14.

On March 19, the legal chancellor assumed the responsibilities of children's ombudsman.

Sexual Exploitation of Children: The minimum age for consensual sex is 14. The law prohibits child pornography, and punishment ranges from a fine to three years in prison. In 2010 authorities registered 76 cases of child pornography, which represented 41 percent of all sexual offences against minors.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The Jewish community was estimated at approximately 2,500 persons.

On July 30, a ceremony was held in Sinimae to honor veterans of the 20th Estonian Waffen SS Grenadier Division from World War II. The annual event has been a source of continuing controversy due to the connection between non-Baltic Waffen SS units and Nazi war crimes. There were no reports of anti-Semitic statements or actions associated with the event. No national government officials participated in the ceremony, but military chaplains laid wreaths at monuments for the soldiers from both sides who died in the nearby battles. There were reports of concern about the increasing number of young people attending this event.

On July 8, a ceremony was held in a German military cemetery in Viljandi to mark the 70th anniversary of the June 1941 invasion by Germany, considered by the organizers as “liberation” from Soviet rule. Fewer than 20 people attended the ceremony, which involved no local or national government officials. One of the primary organizers had a long history of personal and professional disputes and had previously been ejected from the Estonian Defense League, a National Guard equivalent, and forced to resign from a major political party because of pro-Nazi sympathies.

During the summer the Estonian History Museum mounted a temporary exhibit on notable former residents of Tallinn. Nazi politician and ideologue Alfred Rosenberg was included in the exhibit. The local Jewish community and a senior member of parliament complained about the exhibit, stating that it lacked information about Rosenberg’s role in the Holocaust. Further, the information on Rosenberg was placed among several laudatory exhibits, which provided a misleading context. A local high school where Rosenberg studied also included

him in a display of notable alumni. Following these complaints, the Ministry of Culture ordered the museum to remove the part of the exhibit related to Rosenberg.

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.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; few older buildings were accessible, although new or renovated buildings generally were. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, and local governments are responsible for the provision of social welfare services to persons with disabilities. The government focused on developing rehabilitation services to improve the ability of persons with disabilities to cope independently and increase their social inclusion. The state compensates persons with disabilities requiring prosthetics and orthopedic or other technical aids for 50 to 90 percent of the cost of such devices.

### **National/Racial/Ethnic Minorities**

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 August 2010 the UN Committee on the Elimination of Racial Discrimination criticized the country for not prohibiting racist organizations or making incitement of hatred on racial grounds a punishable offense (the law only limits the prosecution of hate speech leading to acts that result in serious consequences).

In May a Cameroonian Ph.D. candidate at the University of Tartu claimed he had to leave the country without completing his studies after he was attacked a second time because of his race. Police stated that their ability to pursue this case was hindered because the candidate did not report the attack in a timely manner.

The government provides for the protection of the cultures of certain minority groups, such as Ingrian Finns and Coastal Swedes, based on the cultural autonomy law. The government also funds programs, including cultural associations and societies, which focus on the languages and cultures of a number of other minority groups, including Russians, Ukrainians, and Belarusians. In districts where more than half of the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in that language, and the law was respected in practice.

Knowledge of Estonian is required to obtain citizenship, and all public servants and public sector employees, service personnel, medical professionals, and other workers who have contact with the public must possess a minimum competence in the language. A Language Inspectorate enforces language skills among these sectors through referrals to language classes and small fines. The government encouraged social integration of the 29 percent of the population that were ethnic minorities through a policy that promotes naturalization and learning Estonian.

Largely for historical reasons, Russian speakers worked disproportionately in blue-collar industries and continued to experience higher unemployment than ethnic Estonians.

Some noncitizen residents, particularly ethnic Russians, alleged that the language requirement resulted in job and salary discrimination. Many Russian speakers believed they would face job discrimination even if they possessed adequate Estonian. Some employers reported a preference for employees fluent in both Russian and Estonian, regardless of ethnicity.

More than 100 schools, 58 of them high schools, employed the Russian language for their instruction. The government continued to implement its plan to provide 60 percent of all instruction in “Russian-speaking” high schools in the Estonian language by the 2011-12 school year. Many have implemented this transition more rapidly than required. Some in the Russian-speaking community challenged the government’s plans for Estonian-language education, and throughout the year

negotiations between civil society groups, students and their parents, and the government continued.

During a June visit the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe expressed concern that the transition to partial Estonian-language instruction could affect the quality of education. He also criticized the use of fines and inspections to encourage the use of the Estonian language by certain categories of employees, to include teachers and government officials. Government officials rejected these concerns.

Roma, who numbered fewer than 1,000, reportedly faced discrimination in employment and other areas. The government took steps to emphasize the importance of education for Romani children, but their dropout rate remained high. In response to complaints that approximately 10 Romani children were inappropriately placed in schools for children with learning disabilities, a social worker contended that this was the only available mechanism to prepare the children for school. One leader of the Romani community publically criticized Romani parents for inadequate preparation of their children for school.

Fifteen students were registered officially as Roma by the school system, but the Ministry of Education and Research estimated that there were approximately 90 additional students of Romani ancestry who identified themselves as Estonian or Russian speakers. A prominent Romani community activist stated that Romani youth who show potential to become leaders of their communities typically leave the country to seek employment opportunities elsewhere, a trend that is present among the wider population as well.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination on the basis of gender, sexual orientation, or other personal characteristics, and the government generally respected these prohibitions. Some activists expressed concern with what they described as the authorities' unwillingness to prosecute possible misdemeanors aggressively under the penal code provisions involving incitement to hatred. Most lesbian, gay, bisexual, and transgender (LGBT) persons did not reveal their sexual orientation or gender identity and avoided reporting incidents to police. Anti-LGBT messages did not generally appear in mainstream media reports, but anonymous online



commentary on LGBT themes often included strongly hostile language, in some cases advocating violence against individuals and the LGBT community. In addition, in 2010 there were instances of performances in private clubs with anti-LGBT themes and recordings of music videos posted to social networking sites with lyrics and actions that encouraged violence against gays and lesbians. Organizers of the June Baltic Pride celebration, a joint undertaking of Estonian, Latvian, and Lithuanian participants, reported receiving some threats via the Internet, but the event proceeded without incident and with government support.

### **Other Societal Violence or Discrimination**

There were no reports of societal violence or discrimination against persons with HIV/AIDS. NGOs worked with the Ministry of Social Affairs throughout the year on programs to reduce the social stigma associated with the disease.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions of their choice without previous authorization or excessive requirements. It gives most workers, excepting public servants at the state and municipal levels, the right to strike; there is a procedure enabling public servants to negotiate directly with their employers. The law provides for collective bargaining and collective dispute resolution. It allows unions to conduct their activities without interference and prohibits antiunion discrimination. Both employees and employers have the right to request that labor dispute committees or the courts resolve individual labor disputes. The law prohibits discrimination against any employee because of union membership, but it does not address the issue of reinstatement if an employee is dismissed for this reason.

Some workers found it difficult to exercise their trade union rights in practice. The Confederation of Estonian Trade Unions reported frequent violations of trade union rights in the private sector during the year and stated that antiunion behavior was widespread and labor inspectorates did not efficiently enforce the laws against such behavior. Some enterprises advised workers against forming trade unions, threatened them with dismissal or a reduction in wages if they did, or promised

them benefits if they did not join unions. At times workers exercised the right to strike. Collective bargaining was freely practiced.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor and the government effectively enforced these laws.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 18, with some exceptions. Children 15 to 17 years old may work with the consent of a parent or guardian and minors seven to 12 may do light work in the areas of culture, art, sports, or advertising with the consent of the Labor Inspectorate. Children under the age of 18 may not perform hazardous 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. The government effectively enforced laws and policies to protect children from exploitation in the workplace. There were no separate inspections regarding the age of child workers.

### **d. Acceptable Conditions of Work**

In 2010 there was a national monthly minimum wage of 4,350 kroon (\$372). It has remained the same for several years despite the rising cost of utilities, food, and other basic items.

The standard workweek is 40 hours. The law requires a rest period of at least 11 hours in sequence for every 24-hour period. Reduced working time is required for minors and for employees who perform work that is underground, poses a health hazard, or is of an otherwise special nature. The law requires overtime pay of not less than 150 percent of the employee's hourly wage. These requirements were effectively enforced. There is no prohibition of excessive compulsory overtime.

The government set occupational health and safety standards. The labor inspectorate, health protection inspectorate, and technical inspectorate were responsible for enforcing them and made efforts to do so.

In 2010 there were 3,212 occupational accidents, a ratio of 563 occupational accidents per 100,000 employees.