

ESTONIA

With a population of 1.34 million, Estonia is a multiparty constitutional parliamentary democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. Parliamentary elections held in 2007 were generally free and fair. Security forces reported to civilian authorities.

There were problems in some areas. There were allegations that police used excessive force during the arrest of suspects; authorities investigated and brought charges against alleged offenders. Some shortcomings remained in detention center conditions; lengthy pretrial detention continued to be a problem; domestic violence, inequality of women's salaries, child abuse, and trafficking of women were also reported.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, there were reports that police used excessive physical force and verbal abuse during the arrest and questioning of suspects.

During the year authorities processed 37 criminal cases related to police officers' excessive use of force. They dropped charges in 27 cases and sent two to the prosecutor's office for further action. At year's end, eight cases were pending.

Prison and Detention Center Conditions

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. The government sought to correct some of these deficiencies. The government permitted visits by independent human rights observers.

In September the country's prisons and detention centers held 3,436 persons, including 2,682 convicted prisoners and 754 pretrial detainees. Women made up 5.7 percent of the prisoners, and persons under the age of 18 accounted for 1.3 percent.

Following visits in 2009 to detention centers in Rakvere, Kuressaare, and Haapsalu, the legal chancellor reported deficiencies in detainees' ability to take care of personal hygiene; deficient living conditions were a problem also in Voru and Valga police prefectures, although small renovations had improved the facilities. Some detention facilities lacked any possibilities for exercise. The legal chancellor reported insufficient access by detainees to legal information and incorrect registration of official documents, including the personal files of detainees.

During 2009 the chancellor also visited Murru and Tartu prisons, the former dating from the Soviet era. With regard to prisons, the chancellor noted that some shortcomings in physical facilities remained, including inadequate washrooms, primarily in Murru prison, which housed fewer than 500 prisoners. The chancellor also noted that more than half of all prisoners serve time in contemporary prisons.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. However, the chancellor reported that information available to prisoners about their rights and about measures they could take to improve their circumstances was inadequate. 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. However, the chancellor criticized a serious shortage of telephones that limited the ability of prisoners to make contacts outside. He also noted that in Murru prison, the staff possessed inadequate knowledge of Russian to communicate properly with Russian-speaking prisoners.

In September the Harju County Court announced the results of a trial in which a former acting director of Murru Prison, a former security chief, and a former warden were charged with negligence that led to the deaths of two inmates at the hands of other prisoners in 2006. The court acquitted the former acting prison director on all charges but convicted the former security chief of covering up the first-degree crime and fined him 58,200 kroon (\$4,900). On October 13, the court convicted the former warden as an accessory to murder and sentenced him to three years in prison. At year's end the sentence was being appealed to the district court.

The government permitted local and international human rights groups and the media to monitor prison conditions, and such monitoring occurred during the year. The Council of Europe's Committee for the Prevention of Torture last visited the country in 2007. Authorities had not released the report on that visit by year's end. The legal chancellor may not act on behalf of individual prisoners but can make recommendations to ministries to improve such matters as detention conditions and record-keeping procedures.

The chancellor noted that the government continued to make improvements in prison facilities. For example, in Murru Prison rooms for the provision of health care services were refurbished and, according to the prison administration, other parts of the facility that were in particularly poor sanitary condition were being refurbished step by step.

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, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest 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 a person 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. The legal chancellor reported cases of insufficient access to legal documentation in prisons and detention centers and insufficient telephones to contact family members.

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 24 percent of the incarcerated population was in pretrial detention; the average length of pretrial detention was seven months.

e. Denial of Fair Public Trial

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

Trial Procedures

Defendants enjoy a presumption of innocence and have the right of appeal. 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.

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

In 2009 the European Court of Human Rights delivered four judgments in which it found violations of the provisions of the European Convention on Human Rights or its protocols. When the cases involved individuals, authorities made the necessary awards within the required three months. In a finding related to policies and laws, the Ministry of Justice prepared corrective legislation, which was with parliament at the end of the year.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. There is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative as well as judicial remedies are available for alleged wrongs. There were no problems with enforcing civil court orders.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

Internet Freedom

There were no government restrictions on access to the Internet 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. During the year approximately 75.1 percent of the population used the Internet, and 68 percent of households had Internet access in the home.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

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

For a description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/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.

The constitution prohibits forced exile, and the government did not employ it.

Protection of Refugees

The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The government has a "safe country of origin or transit" policy; it regarded countries that were parties to the 1951 refugee convention as safe countries, but authorities reported that they granted interviews to all individual asylum seekers. In practice the government provided some protection against expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. During the year, 33 persons applied for asylum. The government granted refugee status or asylum to 11 individuals. Government officials indicated that it made decisions on asylum claims after soliciting the UNHCR's views. A negative decision on an asylum claim may be appealed to the courts and such appeals have been made. The applicant may remain in the country during the procedure.

The UNHCR, in its *Universal Periodic Review* of the country's refugee practices, released in July, referred to "the remarkably low number" of registered asylum seekers at the border, and suggested a "possible lack of access to the asylum procedure for persons in need of international protection who are being turned away at the border." In particular the UNHCR criticized the authority that the border guards have to conduct the initial examination of asylum claims submitted at the border with "the power to refuse entry, if there is a manifestly unfounded case. In such situations, the asylum seeker is immediately sent away from the Estonian border." Government representatives indicated that border guards underwent thorough training in the asylum process as part of the process of the country's joining the Schengen Area. Observers have noted that the small number of applicants may be due to the comparatively low level of asylee benefits compared with some neighboring countries.

During the year the government provided temporary protection to six individuals who did not qualify as refugees.

Stateless Persons

Citizenship derives from one's parents. According to government statistics, at the end of the year, 100,942 persons, or 7.5 percent of the population, were of undetermined citizenship or de facto stateless. A large majority of the stateless were ethnic Russians, Ukrainians, Belarusians, or other Russian speakers who became stateless due to state succession. The UNHCR recorded 104,813 stateless persons as of the end of 2009.

Nearly all stateless persons were long-term residents and, as such, could vote in local, but not parliamentary, elections. There are statutory procedures that offer opportunities to gain legal residence status or citizenship. Individuals of undetermined citizenship were eligible to apply for naturalization, but must pass language and civics tests before acquiring citizenship. In 2009, 55 percent of those taking the test at the level required to acquire citizenship passed. Authorities have adopted policies, such as funding citizenship and language courses and simplifying the process for persons with disabilities, to facilitate acquisition of citizenship by those stateless persons who wish it. Children under 15 years of age whose parents are residents of undetermined citizenship and have lived in the country for five years are eligible to acquire citizenship at their parents' request.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

In 2007 the country held parliamentary elections, considered free and fair, that led to the formation of a coalition government. Political parties could operate without restriction or outside interference.

In June 2009 the country held elections to the European Parliament, and in October 2009 there were nationwide municipal elections. Both were considered free and fair.

Only citizens may vote in parliamentary elections or be members of political parties. Noncitizens who reach the age of 18 by election day, whose address in their rural municipality or city is entered in the population register, and who reside in the country on the basis of a long-term residence permit, may vote in local elections. Resident noncitizens may not run for office.

Citizens of the European Union (EU) who have established permanent residency may also vote in local elections, and those EU citizens who are registered in the country's population register may vote in elections to the European Parliament.

There were 24 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.

Nine members of ethnic minorities served in the 101-seat parliament.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, 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.

There were reports of corruption among the judiciary. In January a former Viru County court judge was jailed for two years for claiming and accepting a bribe to release a murder suspect. In March a Parnu County court sentenced another former Viru County court judge to two years and eight months in jail for taking a bribe and leaking details to criminals of a surveillance operation he had himself authorized. Some of the leaked information was considered highly confidential. On November 19, a former Voru County court judge sentenced Vambola Oll to six months in prison and three-and-a-half years' probation for knowingly making an illegal decision to favour one of his acquaintances in a misdemeanour case and for accepting a bribe.

On May 26, the Supreme Court let stand the Harju County court's May 2009 conviction of businessman Aivo Parn, lawyer Tarmo Sild, and former minister of environment Villu Reiljan of attempted bribery in connection with the sale of a building belonging to the Ministry of the Environment. The former minister received a suspended jail sentence of two years and three months for demanding a bribe, while the court fined the lawyer and the businessman, the former for acting as intermediary and the latter for promising a bribe.

No verdict was announced by year's end in the trial of former environment minister and former head of the People's Union political party, Villu Reiljan, who was charged with illegally approving the exchange of protected land in nature preserves for other state properties. The trial began in the Harju County court in November 2009. State prosecutors also charged two well-known politicians, the head of a state agency, and a group of businessmen with involvement in the illegal exchange.

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. The government provided access to citizens and noncitizens in practice, 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.

The legal chancellor, an independent official with a staff of 30 persons, performs the role of human rights ombudsman. The legal chancellor reviews legislation for compliance with the constitution and oversees observance by authorities of fundamental rights and freedoms and the principles of good governance. The legal chancellor also 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 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 this 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. However, violence against women and child abuse were problems.

Women

Rape, including spousal rape, is illegal, and authorities prosecuted rape cases. The penalty for rape is up to 15 years' imprisonment. In 2009 police reported 124 rapes, 40 percent of all sexual crimes. In 2009 courts convicted 52 persons of sexual assault, including 32 for sexual assault of minors.

Violence against women, including spousal abuse, was a problem. NGOs reported that one woman in four has suffered physical, sexual, or emotional domestic violence, and NGOs considered domestic violence a serious problem. The law prohibits physical abuse; it does not differentiate between acts committed against men and women. Such abuse is punishable by a fine or imprisonment of up to three years, up to five in instances of longstanding and unremitting violence. In 2009 police reported 4,518 cases of physical abuse, including domestic violence and physical abuse of minors, 59 percent of all violent crimes. In the same year courts convicted 1,160 individuals of physical abuse, including 15 who abused minors. A total of 39 individuals, including one whose victim was a minor, were convicted 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.

The law prohibits sexual harassment; however, 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 by the legal chancellor, or by the gender equality and equal treatment commissioner. An injured party may demand compensation for damages and termination of the harmful activity. During 2008 one local branch of the Labor Inspectorate handled five harassment cases involving four women and a man who filed complaints against their supervisors. In 2009 the maximum compensation for damages was 50,000 kroon (\$4,490). During the year the gender equality and equal treatment commissioner received three complaints regarding sexual harassment; all were from women. Of women participating in a government survey, 4.4 percent had experienced sexual harassment.

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 free from discrimination, coercion, and violence. 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 is low. According to 2008 UN estimates, the maternal mortality rate was 12 deaths per 100,000 live births. Access to maternal health services, including skilled attendance during childbirth, prenatal care, essential obstetric care, and postpartum care is available free of charge. Women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

Although women have the same legal rights as men under the law and are entitled to equal pay for equal work, these rights were not always observed in practice. While the average educational level of women was higher than that of men, women's average pay was generally lower, and there continued to be female- and male-dominated professions. According to government statistics, women earned on average 30.3 percent less than men in 2007. The 2004 Gender Equality Act established the position of Gender Equality and Equal Treatment Commissioner, an independent and impartial expert who monitors compliance with that law. The Gender Equality Department of the Ministry of Social Affairs, established in 1996, is responsible for coordinating the government's efforts to eliminate gender inequality, drafting legislation to this end, and promoting gender equality.

Children

Citizenship derives from one's parents. One 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.

Child abuse continued to be a problem. In 2008 police reported 762 cases of violence against children, including domestic and school violence. The police and the Border Guard Board worked to combat child abuse, including sexual abuse of children.

In 2009 police registered 49 cases of rape of minors. Police registered 200 cases of sexual abuse of persons under 18 years of age, including 34 cases involving victims under the age of 14. In 2009 courts convicted 32 persons of sexual assault of minors. There is no legal minimum age for consensual sex. The law prohibits child pornography; punishment ranges from a fine to as much as three years in prison.

In September 2009 in a report issued following a 2008 visit to the country, the UN special rapporteur on the sale of children, children in prostitution, and child pornography emphasized that the age of consent for children should not be younger than 18. The rapporteur recommended assigning the role of ombudsman for children's rights to the legal chancellor.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child

abduction, please see the Department of State's annual *Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction* at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish community was estimated to number approximately 2,500 persons.

There was one report of anti-Semitic vandalism. On September 20, the Israel-based Coordination Forum for Countering Anti-Semitism reported that unknown persons spray painted swastikas on trees at the entrance to a Holocaust memorial at Klooga.

On July 31, a march was held in Sinimae to honor veterans who had been part of the 20th Estonian Waffen SS Grenadier Division. The event has been a source of controversy in the past due to the connection between non-Baltic Waffen SS units and Nazi war crimes. There were no additional reports of anti-Semitic statements or actions associated with the event.

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

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/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; most older buildings were inaccessible, 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. Children, adults, and elderly persons with disabilities necessitating prosthetics and orthopedic or other technical aids are compensated by the state for 50 to 90 percent of the cost of the device.

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 the UN Committee on the Elimination of Racial Discrimination (CERD) recommended that the country prohibit racist organizations and that it make incitement of hatred on racial grounds a punishable offense. The existing law limits the prosecution of hate speech to acts that result in serious consequences. The report called for the state to redouble its efforts to address various forms of discrimination and further the integration of minorities, especially where language is an issue. The committee emphasized the importance of transforming the existing human rights institutions into an independent national human rights institution that would comply with the Paris Principles.

The government provides for the protection of the cultures of minority groups. However, some observers alleged that a law related to minority cultural autonomy is discriminatory because it has not been successfully used to support the large Russian population. In order for a minority group to receive the status of cultural autonomy, there must be an organization that represents a significant fraction of that minority's population; however, no single NGO represented the required fraction of the 343,000 ethnic Russians, so they did not enjoy this status. Ingrian Finns and Coastal Swedes were the only two groups to achieve recognition as culturally autonomous. The government funds language and cultural programs for a number of other minority groups, including Russians. 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. The August UN CERD report recommended that the government extend this entitlement to all districts regardless of the number of non-Estonian speakers. In practice the government has already made attempts to do so.

Russians, Ukrainians, and Belarusians are the largest ethnic minorities, together making up 29 percent of the population. The government encouraged social integration through a policy that promotes naturalization and learning Estonian.

Knowledge of Estonian is required to obtain citizenship, and all public servants and public sector employees, service personnel, medical professionals, and sole proprietors 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. Proficiency is usually determined through examination; however, citizenship applicants who already passed the basic-level language proficiency examination or the basic school final examination for Estonian as a second language do not have to take the citizenship language examination.

Largely for historical reasons, Russian speakers work 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. The country's Human Development Report for 2008, prepared by a local NGO, noted that Russian speakers who possess equal human capital (fluent Estonian, higher education, and Estonian citizenship) faced greater difficulty finding positions as managers and professionals than did ethnic Estonians.

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 the "Russian-language" high schools in the Estonian language by the 2011-12 school year. Many of these high schools have implemented this transition more rapidly than required by the governmental plan.

Roma, who numbered fewer than 1,000, were primarily located in three areas in the country. Roma communities reportedly faced discrimination in employment and other areas. The government took steps to emphasize the importance of education for Romani children, but a December 2009 report of the European Commission against Racism and Intolerance recorded the persistence of a high dropout rate and late entry into school among Romani children. The report also noted complaints that Romani children were being placed in schools for disabled children even though they were not disabled. A social worker explained that this was the only available mechanism to prepare the children for school, and one head of the Romani community told the press that the Roma themselves were to blame for not preparing their children for school. There were 15 students officially registered as Roma in the school system, but the Ministry of Education and

Research estimated that there were approximately 90 students of Romani ancestry who identified themselves as Estonian- or Russian-speakers. With funding from the Ministry of Education and Research, the University of Tartu was conducting research, in cooperation with representatives of the Romani community, to devise strategies to boost educational performance and reduce the dropout rate among Romani youth.

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

By law no person may be discriminated against on the basis of gender, sexual orientation, or other personal characteristics, and the government generally respected these rights. There were no reports of official discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care. Human rights NGOs and lesbian, gay, bisexual, and transgender groups, as well as private individuals, actively participated in public discussions dealing with issues connected to the rights of the LGBT community, but some activists expressed concern with the authorities' unwillingness to pursue more aggressively possible misdemeanors under the penal code involving incitement to hatred. While there were no reports of violence or human rights abuses specifically targeting individuals based on their sexual orientation or gender identity during the year, activists contended that the society was not very accepting of LGBT persons. Most LGBT persons do not reveal their sexual identities and would avoid reporting incidents to police. Anti-LGBT messages do not appear in mainstream media, but 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 encourage violence against gays and lesbians.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law provides for the right of workers to form and join independent unions of their choice without previous authorization or excessive requirements; however, some workers found it difficult to exercise this right in practice. The Confederation

of Estonian Trade Unions (EAKL) continued to report frequent violations of trade union rights in the private sector. Less than 8 percent of the total workforce belonged to trade unions; unions were present in the energy, transportation, teaching, public service, media, and services sectors, among others. The law allows unions to conduct their activities without interference, and the government generally respected this right in practice.

The law provides for the right to strike, and workers exercised this right in practice. Public servants at the state and municipal levels do not have the right to strike; there is a practice in place by which they may negotiate directly with their employers.

b. The Right to Organize and Bargain Collectively

According to government statistics, collectively bargained contracts covered approximately 32.7 percent of workers, including workers in enterprises with at least five workers. Collectively bargained contracts also cover nonunion members. The law provides for collective bargaining and collective dispute resolution, and collective bargaining was freely practiced.

The law prohibits antiunion discrimination; however, the EAKL continued to report that antiunion behavior was widespread in the private sector. According to the EAKL, labor inspectorates did not efficiently enforce the law. Some enterprises advised workers against forming trade unions, threatened them with dismissal or a reduction in wages if they did so, or promised them benefits if they did not join unions. Both employees and employers have the right to request that labor dispute committees or the courts resolve individual labor disputes, and these mechanisms functioned effectively throughout the year.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace.

The law sets the minimum age for employment at 18, with some exceptions. Children 15 to 17 years old may work with the consent of a parent or guardian. With the consent of the Labor Inspectorate, minors seven to 12 years old may do light work in the areas of culture, art, sports, or advertising; minors 13 to 14 years old may work in some additional capacities.

Children under the age of 18 may not perform hazardous or dangerous work. The law limits the hours that children may work and prohibits overtime or night work. The Labor Inspectorate was responsible for enforcing these laws and did so in practice. There were no separate inspections regarding the age of child workers.

e. Acceptable Conditions of Work

The national monthly minimum wage of 4,350 kroon (\$391) did not provide a decent standard of living for a worker and family; however, 87.4 percent of the workforce earned more than the minimum wage. The minimum wage has remained the same for the past three years despite rising heat and electricity costs.

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 underground work, work that poses a health hazard, or work of an otherwise special nature. The law requires overtime pay of not less than 150 percent of the hourly wage of the employee. These requirements were effectively enforced.

The government set occupational health and safety standards. The labor inspectorate, health protection inspectorate, and technical inspectorate were responsible for enforcement of these standards and made efforts to enforce them. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardizing their continued employment, and they exercised this right in practice. In 2009 there were 2,927 occupational accidents, a ratio of 491.3 occupational accidents per 100,000 employees.