U.S. DEPARTMENT of STATE

Estonia

Country Reports on Human Rights Practices - 2007
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With a population of 1.34 million, Estonia is a constitutional parliamentary democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. Parliamentary elections held on March 4 were generally free and fair. On April 5, a coalition government headed by Prime Minister Andrus Ansip took office. It consists of the Reform Party, the Pro Patria and Res Publica Union, and the Social Democratic Party. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. There were allegations that police used excessive force, including against riot participants, during protests against the relocation of a Soviet-era statue in April; authorities investigated and brought charges against alleged offenders. Prison conditions remained poor, although there were some improvements. Domestic violence and child abuse continued to be problems.

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 prosecutors or police authorities processed 35 criminal cases related to police officers' excessive use of force. Charges were dropped in 21 cases, 12 were pending, and two were sent to the prosecutor's office for further action.

Eight of these 35 cases involved the alleged use of excessive physical force during the riots on the nights of April 27 and 28. Charges were dropped in six cases after it was determined that no criminal act had taken place. Two cases were pending at the end of the year.

The police internal control department investigated other cases, involving 10 officers, on allegations of excessive force. Three officers were found guilty, one was suspended, and the others were given disciplinary punishment. Charges were dropped in six cases, and one remained pending.

Two police officers were charged in January 2006 in Viru district with assaulting a suspect. One was convicted and fined, a decision subsequently upheld by the Viru District Court in April. In December 2006 a Harju county court case was terminated by agreement of both parties after an officer acknowledged that he had used excessive physical force against three juveniles suspected of using drugs.

Prison and Detention Center Conditions

Prison conditions remained poor, and the majority of prisons for men were overcrowded. On April 24, the chancellor-ombudsman criticized the limited availability of medical aid in detention houses in Narva and elsewhere. Shortages of funds and trained staff continued to be serious problems. Detention houses remained overcrowded. Authorities reported that 9 to 10 percent of crimes committed in prisons included violence or verbal abuse, either towards fellow prisoners or authorities.

On June 27, one inmate killed another in Tartu Prison. During the year, a prosecutor filed charges of negligence against the acting director of Murru Prison and his deputy as a result of events that took place in November 2006. No trial had begun by year's end.

The government permitted prison visits by independent human rights observers, and such visits occurred. There were no visits by the International Committee of the Red Cross during the year. On May 9-18, the Council of Europe's (COE's) Committee on the Prevention of Torture visited the country.

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

The national police, security police, tax and customs board, and national border guard have responsibility for law enforcement and the maintenance of order. Except for the tax and customs board, which is subordinate to the Ministry of Finance, these agencies are subordinate to the Ministry of Internal Affairs. Prison personnel are subordinate to the Ministry of Justice. The army is responsible for external security but also has domestic security responsibilities in case of a threat to constitutional order. The police board is the central and supervisory authority that manages, directs, and coordinates the activities of the three police agencies and four regional police prefectures.

Corruption among law enforcement officials was not generally a problem, but there were reports of corruption among the traffic police. An investigation begun in 2006 of 26 traffic police officers alleged to have taken bribes led to a court case that was pending at year's end.

Impunity was generally not a problem. The government has effective mechanisms to investigate and punish abuse and corruption. When an allegation of police abuse is made, the internal control department of the police investigates and reports its findings. If the investigation substantiates the allegations, police initiate disciplinary procedures against the responsible officer.

Civilian authorities maintained effective control over the national police, security police, tax and customs board, and national border guard.

Arrest and Detention

Under the law authorities must 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 charging him; further detention requires a court order. Police rarely violated these requirements. Detainees must be given immediate access to legal counsel, and the government pays for legal counsel for indigents. A person may be held in pretrial detention for two months, which may be extended by court order to a total of 12 months. Lengthy pretrial detention was a problem. Approximately 28.5 percent of the prison population was in pretrial detention, and the average length of pretrial detention was eight months.

e. Denial of Fair Public Trial

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

There is a three-tier court system. County and city courts and administrative courts adjudicate matters in the first instance. Appeals against the decisions of these courts are heard by three courts of second instance, sometimes called district courts or courts of appeal. The Supreme Court is the court of highest instance and is also the court for "constitutional supervision."

Trial procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public. Juries are not used. A judge and public assessors hear cases. Defendants have the right to be present and to consult with an attorney in a timely manner. In criminal proceedings an attorney is provided for all individuals at public expense; 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. Defendants enjoy a presumption of innocence and have a right of appeal. The law extends these rights to all residents, whether or not they are citizens.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

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 enforcement of human rights-related domestic 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 or 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

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

Freedom of Assembly

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

While authorities have wide discretion to prohibit public gatherings on public safety grounds, they did so only under exceptional circumstances. Government plans to move a Soviet-era monument were a focus of public controversy during the year, and the government sometimes denied permission for protests at the monument on security grounds. On April 27, an unauthorized demonstration protesting the relocation of the monument was followed by two nights of looting in the center of the capital. Police detained approximately 1,200 persons for violations of public order. Some police allegedly used excessive force against riot participants. Authorities opened eight criminal cases against police officers in connection with these events. In six cases the charges were dropped, and two cases were pending at year's end.

A gay rights parade took place in Tallinn on August 11 without incident. The government had failed to protect participants of a gay rights parade in 2006.

Freedom of Association

The constitution provides for this right for citizens, and the government generally respected it in practice. However, the law specifies that only citizens may join political parties.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

The law prohibits activity that publicly incites hatred, violence, or discrimination on the basis of a variety of characteristics, including religion, if it causes a threat to a person's life, health, or property.

Societal Abuses and Discrimination

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

The size of the Jewish community was estimated at approximately 2,500 members. There were no reports of anti-Semitic acts.

On July 28, veterans of the Estonian Waffen SS division, which was formed by Nazi Germany during World War II to fight Soviet forces, met in the area of Sinimae. The defense minister sent a private letter of support to the group. Some observers, particularly some foreigners, criticized the letter as legitimizing a military unit organized by Nazi Germany in World War II. However, others noted that the letter was written in the context of defending Estonia from foreign invaders, and that the unit held its reunion at the site of important battles against the Soviet Union.

The media reported that the security police had begun investigating a neo-Nazi Internet site, located outside Estonia, which advertises and sells an Estonian-language anti-Jewish propaganda book for children.

In June, according to media reports, the security police started an investigation into activities of a dual Estonian-Finnish national suspected of working to establish an "anticonstitutional right-wing organization." According to the media, he had used Nazi symbols and ideology and planned a paramilitary wing of the organization.

There were several acts of vandalism against graveyards. In April vandals damaged two grave plaques in a Jogeva County cemetery and 13 crosses and grave plaques in a Laane County cemetery. Police launched a criminal investigation; however, no further information was available about the outcome. Also in April, the Tartu Rural Court sentenced a graveyard vandal to probation for two years for stealing metal figures from Raadi cemetery.

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. In December the country became a member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The government granted refugee status or asylum to two individuals. It also provided temporary protection to two individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The government has a "safe country of origin or transit" policy; it regarded countries that were parties to the UN refugee convention as safe countries, but all asylum seekers were granted individual interviews.

Stateless persons

Approximately 115,274 persons, or 7.8 percent of the population, were de facto stateless. This represented a decline from 32 percent in 1992. Citizenship is derived from one's parents (jus sanguinis). The majority of stateless persons were long-term residents and, as such, could vote in local but not in parliamentary elections. 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 whose parents are stateless and have lived in the country for five years are eligible to acquire citizenship at their parents' request. In addition, the naturalization process has been considerably shortened.

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

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

Elections and Political Participation

Parliamentary elections held on March 4 were generally free and fair and led to the formation of a three-party coalition government of the Reform Party, the Pro Patria and Res Publica Union, and the Social Democratic Party, which took office on April 5. Andrus Ansip became prime minister.

Only citizens may vote in parliamentary elections and be members of political parties. Resident noncitizens and those who have lived permanently in the country for at

least five years preceding the election may vote in local elections, although they may not run for office.

There were 21 women in the 101−seat parliament. There were three women in the 14−member cabinet.

There were nine members of ethnic minorities in the 101−seat parliament.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

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

In October media reports alleged that certain property exchange deals in which nature conservation lands were bartered for state properties in other locations with the approval of a former minister, were illegal. The security police and prosecutor's office started criminal cases against several individuals allegedly involved in these transactions, including a few well−known politicians and businessmen.

The law provides the public access to government information and allows for monitoring of the public sector's performance. The government provided access for citizens in practice.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination for any reason, and the government generally enforced it. However, violence against women and child abuse were problems.

Women

Rape, including spousal rape, is illegal and was prosecuted. The sentence for rape is up to 15 years' imprisonment. Police reported 75 rapes and 17 attempted rapes. During the year, 25 persons were convicted of rape.

Violence against women, including spousal abuse, was a problem. The law prohibits physical abuse but does not differentiate between acts committed against men or women. The police reported more than 3,200 cases of physical abuse, including domestic violence. During the year 1,185 persons were convicted of this abuse.

According to nongovernmental organizations (NGOs), one in four women has suffered from physical, sexual, or emotional domestic violence, and NGOs considered domestic violence a serious problem. Domestic violence is punishable by a fine or imprisonment of up to three years and up to five years in the case of longstanding and unremitting violence. Victims of domestic violence may obtain help, including counseling and legal assistance, from local social workers and specialized NGOs.

Prostitution is not prohibited and was common, but pimping is illegal.

There were reports that women were trafficked for purposes of sexual exploitation.

The law prohibits sexual harassment. Sexual harassment in the workplace occurred but was not considered a serious problem. According to the law, disputes over sexual harassment are resolved in court, in an administrative hearing by the legal chancellor−ombudsman, or by the gender equality commissioner. An injured party may demand compensation for damages and termination of the harmful activity.

Although women have the same legal rights as men under the law and are entitled to equal pay for equal work, these rights were not always observed in practice. While the average educational level for women was higher than for men, their average pay was generally lower, and there continued to be female− and male−dominated professions.

Children

The government was committed to children's rights and welfare. Under the law, school attendance is mandatory and free from the age of seven until students complete basic education, generally after nine years or until 17 years of age. Approximately 99 percent of school−age children attended school. According to the government's statistical office, the highest level of education achieved by most students was high school plus two years of higher education.

Boys and girls had equal access to government−sponsored medical services.

Child abuse was a problem. Police reported 664 cases of violence against children, including domestic and school violence, during the year.

During the year there were 19 reports of rape and seven attempted rapes committed against minors. Police registered 86 cases of sexual abuse of persons under 18 years of age, including 28 cases involving victims below the age of 14. During the reporting period, 36 persons were convicted of sexual assaults of minors.

There were reports that children were trafficked for sexual exploitation.

Trafficking in Persons

There is no specific law criminalizing all forms of trafficking; however, authorities prosecute traffickers under the law prohibiting enslavement, abduction, and pimping.

The country is a source, destination, and transit point for trafficking victims, who were trafficked primarily for sexual exploitation. Women and girls were trafficked primarily to countries in northern Europe. During the reporting period, the government registered eight trafficking victims, mainly women and girls. A 2005 study of trafficking for sexual exploitation conducted by the International Organization for Migration estimated that there were 100 victims of these forms of trafficking between 2001 and 2004. This figure included persons trafficked through the country. Persons were also trafficked to the country. The overall trafficking pattern appeared to be unchanged from

earlier years, although authorities in both Finland and Sweden noted considerable declines in Estonians trafficked to their countries. Travel-friendly regulations, short distances, low travel costs, and the draw of legitimate employment lowered the barriers to trafficking to Nordic and other European Union countries.

Traffickers included individuals, small groups, and organized criminals who ran the prostitution industry and lured victims with the promise of legitimate employment or the opportunity to live and study abroad. Traffickers tended to befriend victims or attempted to pass themselves off as legitimate job mediators. Due to generally liberal travel regulations around the region, false documentation was not always necessary.

Penalties for trafficking-related offenses range from five to 15 years' imprisonment, and fines may also be applied.

The fight against trafficking was a government priority, and reports of declines in Estonians trafficked to Finland and Sweden suggest that some of its measures were effective. During the year the government used the statute outlawing enslavement to convict three individuals.

A court case that was opened in 2006 against five individuals charged with pimping continued at year's end. The prosecution was the result of cooperation with Finnish authorities in investigating a ring that trafficked Estonian women to Finland for prostitution.

The ministries of interior, social affairs, foreign affairs, education and research, finance, and justice have responsibilities for combating trafficking.

Authorities cooperated actively with regional and international efforts to fight trafficking, including participation in the work of the Nordic and Baltic Task Force on Trafficking in Persons.

The law provides protection, as well as legal and medical compensation rights, to victims of all crimes, including trafficking. During the year six victims received assistance at a government-supported shelter established specifically for victims of trafficking. Each county had an assigned victim assistant to provide trafficking victims access to the public assistance system. The assistants received specific training on trafficking in persons issues from NGOs during the year.

The government continued to support an NGO-operated trafficking hot line that provided information on trafficking risks to persons interested in working abroad. The hot line generated over 370 calls.

Throughout the year the Ministry of Social Affairs engaged in educational outreach programs to governmental organizations, NGOs, and individuals, including lectures, seminars, and preparation of training materials.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; older buildings were inaccessible, although new or renovated buildings were generally accessible. In 2006 the government increased support to children with disabilities by 25 percent. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Instances of overt hostility based on ethnicity or race were infrequent, but they occurred. The tension, and ultimately violence, that attended the government's decision to move a Soviet-era monument from the center of Tallinn demonstrated that fissures remained between some of the country's ethnic Russians and the rest of the population (see section 2 b.).

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 April a 16-year-old youth verbally abused a Chinese student in Tartu, and police fined him for violating public order. In September, also in Tartu, skinheads threw stones in the direction of a French student of African origin.

On January 17, police fined a 36-year-old person as a result of insults directed toward an African PhD candidate in a Tartu night club.

The government provides for the protection of the cultures of minority groups. At the same time, some observers alleged a law related to minority cultural autonomy is discriminatory because it does not apply to noncitizens. In districts where more than one half of the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in that language.

Russians, Ukrainians, and Belarusians are the largest ethnic minorities, making up 29 percent of the population. The government encouraged social integration through a policy which promotes learning Estonian and naturalization. Knowledge of Estonian is required to obtain citizenship, and all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must know the Estonian language. Actual proficiency is usually determined through examination; however, citizenship applicants who have previously passed the basic level Estonian language proficiency examination or the basic school final examination for Estonian as a second language do not have to take the citizenship language exam. Some noncitizen residents, particularly ethnic Russians, continued to allege that the language requirement resulted in job and salary discrimination.

In September the government began implementation of a plan that calls for providing 60 percent of all instruction in the country's 63 Russian-language high schools in the Estonian language by 2011; however, a shortage of qualified teachers who could teach their subjects in Estonian at Russian-language schools remained a problem.

Romani communities, with a total of under 1,000 members, were located primarily in three areas in the country. A 2006 COE report noted their high unemployment level, due in part to the fact that very few attend school. However, the report also concluded that Roma faced discrimination in employment and other areas. The government took steps to emphasize the importance of education for Romani children.

Other Societal Abuses and Discrimination

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

In April police fined four persons and issued warnings to several others for verbally and physically attacking participants in a 2006 gay rights parade. A similar parade took place on August 11 without incident.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of workers to form and join a union or employee association, although some workers found it difficult to exercise this right in practice. Approximately 10 percent of the total workforce belonged to trade unions. The law prohibits antiunion discrimination; however, the Confederation of Estonian Trade Unions (EAKL) continued to report that antiunion behavior was rife in the private sector. According to the EAKL, violations of trade union rights in the country were frequent, and labor inspectorates were not efficient in enforcing the law. In some enterprises, workers are advised against forming trade unions, threatened with dismissal or a reduction in wages, or promised benefits if they do not join unions. Both employees and employers have the right to request that labor dispute committees or the courts resolve individual labor disputes.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargaining and collective dispute resolution are provided for by law.

Collectively bargained contracts covered approximately 15 percent of workers, including some nonunion members. The law provides for the right to strike, and workers exercised this right in practice. Public servants at the state and municipal levels are denied the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women and girls were trafficked for sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

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

The law sets the minimum age for employment at 18 years, although children aged 15 to 17 may work with the consent of a parent or guardian, and children aged 13 to 15 may work with the consent of a parent or guardian and a labor inspector. Children under the age of 18 may not perform hazardous or dangerous work. The law limits the hours that children 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 $336 (3,600 kroon) did not provide a decent standard of living for a worker and family; however, approximately 94 percent of the workforce earned more than the minimum wage. The poverty line was $194 (2,081 kroon) per month in 2006.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week for those working in shifts. Reduced working time is required for minors and for employees who perform underground work, work that poses a health hazard, or work of an otherwise special nature. Work hours, including overtime, may not exceed an average of 48 hours per week. The law required 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 endangered health or safety without jeopardizing their continued employment, and they exercised this right in practice. During the year, 3,634 occupational accidents occurred, a ratio of 549 occupational accidents per 100,000 employees. During 2006, 3,651 occupational accidents occurred, a ratio of 565 occupational accidents per 100,000 employees.

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