

# ESTONIA 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Estonia is a multi-party, 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 with a majority of seats in parliament. Parliamentary elections held in 2011 and municipal elections held in October 2013 were considered free and fair. On March 4, Prime Minister Andrus Ansip resigned, and on March 26 a new coalition government, composed of the Reform and Social Democrat parties and led by Prime Minister Taavi Roivas, took office. Authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

Human rights problems reported during the year included allegations that police at times used excessive force when arresting suspects; poor conditions in some detention centers; domestic violence; inequality of women's salaries; incidents of child abuse; reports of trafficking, primarily of women for sexual exploitation and men and women for forced labor elsewhere in the EU; and inadequate access to public services by persons with disabilities, especially in rural areas. A large number of residents were noncitizens, and their rate of naturalization remained low.

The government took steps to investigate, prosecute, and punish officials who committed violations.

### **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, abductions, or kidnappings.

### **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. During the first eight months of the year, authorities filed 13 cases against police officers for excessive use of force. In 2013 authorities filed 32 cases.

On May 31, the Parnu County Court found a police officer guilty of use of excessive force in 2011. The officer took five individuals to a detention center in handcuffs and by force. The court determined that the detention of three of the individuals was illegal. The court sentenced the officer to one year in prison and three years' probation.

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

Prison and detention center conditions largely met international standards, although there were reports of poor physical conditions in some prisons and detention centers.

Physical Conditions: As of September 8, the country's prisons held 2,960 inmates, including 2,357 convicts and 603 pretrial detainees. The combined design capacity of the prisons was 3,250 persons. Women made up 5.2 percent of prisoners, and there were 30 detainees under the age of 18. The number of prisoners continued to decline, including in the large Soviet-era Tallinn Prison. As of October 27, police detention centers held 122 detainees and five convicts. The government reduced the number of prisoners through increased use of alternatives to incarceration. On January 21, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its most recent visit to the country in 2012. The CPT report characterized physical conditions in the Haapsalu Detention Center as "appalling." It also noted that certain overnight inmates in police lockups did not have access to mattresses and were obliged to sleep on boards. During the first nine months of the year, there were six deaths in prisons and jails, including one suicide. Prison authorities provided sufficient food and access to potable water to prisoners and detainees.

In the course of inspection visits to several institutions, the legal chancellor (the country's ombudsman) found a number of deficiencies in prison and detention center conditions, particularly in detention centers where officials held detainees for short periods. In certain facilities there were deficiencies in the availability of

medical care and in fire safety. The continuing use of the prison in Tallinn for a large number of prisoners remained a problem, although the government was in the process of phasing out this facility. In this institution recreational facilities were few and in poor condition. The legal chancellor reported that inmates did not have sufficient access to legal documentation in some prisons and detention centers. The legal chancellor found shortcomings in the application of means of restraint, including handcuffs, excessive video surveillance, and inadequate documentation of the medical condition of detainees.

The CPT report noted a number of problems, such as poor material conditions of detention centers, overcrowding at Tallinn Prison, excessive use of solitary confinement for disciplinary purposes (including in relation to juveniles), and insufficient health-care staff at Viru Prison.

Administration: The legal chancellor observed that authorities generally kept accurate records on inmates in prisons and detention facilities. In a June 2013 report, however, the UN Committee against Torture indicated concern that authorities did not always maintain detention registers “in a regular manner” in police stations. The government reduced the number of prisoners through increased use of such alternatives to incarceration as electronic monitoring, parole, probationary sentences, and community work. 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 inhuman 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 the opportunity to engage in religious observance.

Independent Monitoring: The government generally permitted monitoring by independent nongovernmental observers, including human rights groups, the media, and international bodies.

Improvements: The government began gradual measures to upgrade lighting and overall conditions at detention centers. Following the CPT visit, Haapsalu Detention Center underwent comprehensive renovations, including improvements to the lighting, ventilation, and heating systems. The CPT delegation also noted a number of improvements, including in detention centers in Johvi and Rakvere. The CPT encouraged the authorities to develop the program of activities further, including work opportunities offered to prisoners in the “Supermax.”

#### **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 Police and Border Guard Board, the Internal Security Service, and the Tax and Customs Board, which have responsibility for law enforcement. The prosecutor's office leads investigations and prosecutes cases in court. The Police and Border Guard Board and the Internal Security Service investigate civilian cases. The military police investigate defense force cases. 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 of Detainees**

By law authorities must usually possess warrants issued by a court to make arrests and 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 generally complied with these requirements. Detainees are entitled to immediate access to legal counsel, and the government pays for legal counsel for indigent persons. There were no reports that authorities held individuals incommunicado or under house arrest.

Detention of Rejected Asylum Seekers or Stateless Persons: Authorities detained unsuccessful applicants for asylum or illegal immigrants pending their deportation. The legal chancellor visited the detention center. He recommended psychological counselling and the provision of varied menus to accommodate detainees' religious beliefs. On March 17, the Tallinn Administrative Court, responding to a complaint, ruled the center must offer more food to detainees. Human rights organizations contended that a shortage of translators inhibited detained asylum seekers in their efforts to regularize their status. The legal chancellor noted that in contrast with the previous year, authorities rarely handcuffed detainees.

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

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

## **Trial Procedures**

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

Defendants enjoy the right to a presumption of innocence, a fair and public trial without undue delay, prompt and detailed notification of the charges (with free interpretation if necessary), communication with an attorney of choice (or to have one provided at public expense), adequate time and facilities to prepare a defense, and access to government-held evidence. Defendants may confront witnesses against them and present witnesses and evidence. Defendants cannot be compelled to testify or confess guilt and have the right to appeal. There are no juries; a single judge, a judge together with public assessors, or a committee of judges may hear cases. 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 the government provides an attorney for indigents. Authorities generally respected these rights and extended them to all residents regardless of citizenship.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

Individuals or organizations may seek civil remedies for human rights violations in domestic courts and appeal unfavorable decisions to the European Court for Human Rights (ECHR) after they exhaust all domestic remedies.

## **Regional Human Rights Court Decisions**

The country is subject to the jurisdiction of the ECHR. During the first nine months of the year, the ECHR delivered judgments on the merits in six cases in which it ruled that the country had violated its obligations under the European Convention on Human Rights. The government promptly complied with court orders in these cases.

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

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

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

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The internet was widely available, and the public used it regularly. In the first quarter of the year, 83 percent of households headed by individuals ages 16 to 74 had access to the internet at home.

#### **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 the freedoms of assembly and association, and the government generally respected these rights.

On July 26, the 20th Estonian Grenadier Division Veteran Association organized an annual memorial event to commemorate the World War II battle of Sinimae. The battle was fought between the Soviet Red army and various forces affiliated with the German army, including the 20th Estonian Waffen SS Grenadier Division. Participants laid wreaths at monuments for soldiers from both sides who died in battles nearby. No national government officials participated in the ceremony. No Nazi symbols or insignia were observed.

#### **Freedom of Association**

While the constitution provides this right for all, the law specifies that only citizens may join political parties. There are no restrictions on the ability of noncitizens 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 internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. 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 law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The nongovernmental organization (NGO) Estonian Human Rights Center (EHRC) reported that authorities did not adequately inform asylum seekers of their rights and that inadequate provision for translation hampered communications between the asylum seekers and authorities. In addition authorities provided poor and irregular access to public services for asylum seekers and those granted international protection. The EHRC and other NGOs provided legal and societal assistance to asylum seekers in cooperation with authorities. Government officials indicated that access to legal aid was available at every stage of the asylum procedure.

Safe Country of Origin/Transit: The government has a policy of denying asylum to applicants from a "safe" country of origin or transit. The UNHCR expressed concern about the government's policy of refusing entry and immediately returning persons who have transited such a country, particularly about their inability to appeal denial of entry from outside the country. Authorities asserted they grant interviews to all individual asylum seekers.

Temporary Protection: The government has provided temporary protection to individuals who may not qualify as refugees. The government did not grant temporary protection during the first eight months of the year.

### **Stateless Persons**

Citizenship derives primarily from one's parents. It is automatic if either parent is a citizen. The law provides that children under 15 whose parents are not citizens of Estonia or of any other country and who have lived in the country for five years are eligible to acquire citizenship by naturalization at their parents' request. There are statutory procedures that offer adults opportunities for obtaining citizenship by naturalization, but some human rights observers regarded them as inadequate.

As of September 1, according to government statistics, there were 83,324 residents of undetermined citizenship, who made up 6.5 percent of the population. Nearly all were ethnic Russians, Ukrainians, or Belarusians. In 2013 the number of persons acquiring citizenship by naturalization rose to 1,257, reflecting a modest increase compared with 2011 and 2012. The UNHCR reported that as of January 1, there were 91,281 "stateless persons," compared with 94,235 in January 2012. Although the UNHCR categorized this population as stateless, the government did not, since in its view the individuals involved were eligible to apply for naturalized citizenship and enjoyed many of the protections available to citizens.

Nearly all individuals without documented citizenship were long-term residents; they could vote in local, but not parliamentary, elections. Individuals applying for naturalization must pass Estonian language and civics tests. In 2013, 64.3 percent of the persons who took the language test to acquire the citizenship passed. To facilitate acquisition of citizenship, authorities adopted policies, such as funding civics and language courses and simplifying the naturalization process for persons with disabilities.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

### **Elections and Political Participation**



Recent Elections: In 2011 the country held parliamentary elections that the election observation mission of the Organization for Security and Cooperation in Europe considered free and fair.

Political Parties and Political Participation: While political parties could operate without restriction or outside interference, the law prohibits noncitizen residents from organizing or joining political parties. Noncitizens who are long-term residents may vote in local elections but cannot vote in national elections or hold public office.

Participation of Women and Minorities: As of October 30, there were 20 women in the 101-seat parliament. One of the two deputy speakers of the parliament was a woman. There were six female ministers in the 13-member cabinet. Eleven percent of members of parliament belonged to ethnic minorities.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. The government has effective mechanisms to investigate and punish abuse and corruption.

Corruption: There were several reports of government corruption during the year. On June 30, the Supreme Court ruled that former agriculture minister Ester Tuiksoo and former environment minister Villu Reiljan, along with former the head of the Land Board, were guilty of accepting or agreeing to accept assets in exchange for using their formal position to advance private interests. The case involved a land swap in which they agreed to exchange land protected for environmental reasons for other state-owned land, thus making the formerly protected land available for development. The court terminated the sentence of one businessperson involved in the case due to the expiration of reasonable time for criminal proceedings and reduced Tuiksoo's sentence for the same reason. The defendants received suspended sentences ranging from 18 months to four years and three months. The court fined two companies involved 798,000 euros (\$998,000) and 127,823 euros (\$160,000).

The Justice Ministry is responsible for coordinating anticorruption activities, including prevention and policy development. The ministry actively collaborated with civil society and international organizations and operated effectively and independently.

The Police and Border Guard Board and the Internal Security Service investigated corruption cases. The prosecutor's offices led these investigations and prosecuted the cases in court. In 2013 authorities filed 322 corruption cases. Of these they filed 113 against individuals; the 209 additional cases related to the initial filings. For example, an examiner allowed 33 students to pass a traffic examination for a bribe. Authorities filed 72 corruption cases against national-level personnel and 22 involving municipal employees. Corruption most frequently occurred in the Road Administration (38 cases), educational institutions (20 cases), the Environment Inspectorate (10 cases), the Police and Border Guard Board (10 cases), and local municipalities (eight cases). In 2013 the courts convicted 54 individuals and 10 legal entities of corruption.

Financial Disclosure: All public officials are subject to financial disclosure laws. Designated offices have responsibility for monitoring and verifying disclosures. The financial declarations of high-level government officials were available to the public, and there are criminal and administrative sanctions for noncompliance with the law. Public officials must declare their interests in an electronic register. Officials must also declare noneconomic interests, such as favors or gifts valued at more than a certain amount, as well as their liabilities and any joint proprietorships in which they have a financial interest. The law also regulates public servants' outside employment.

Public Access to Information: The law provides for public access to government information, and the government provided such access.

## **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 generally were cooperative and responsive to their views.

Government Human Rights Bodies: The legal chancellor, an independent official with a staff of more than 40, performs the role of human rights ombudsman. The 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, or sexual orientation. The legal chancellor also makes recommendations

to ministries and local governments, requests responses, and has authority to appeal to the Supreme Court. The chancellor compiles an annual report for parliament. Public trust in the office was high, and the government was responsive to its reports and decisions.

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

The law prohibits discrimination based on nationality, race, color, sex, language, origin, religion, political or other opinion, property, sexual orientation and/or gender identity, social status, or on other grounds, and the government generally enforced these prohibitions.

### **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 imprisonment for up to 15 years. In 2013 police reported 135 cases of rape or attempted rape, and the courts convicted 33 individuals of rape.

According to NGOs and shelter managers, violence against women, including domestic violence, was a problem. The law punished physical abuse (it does not differentiate by gender) by a fine or imprisonment of up to three years or up to five years in instances of long-standing and unremitting violence. Police in 2013 recorded 5,499 cases of physical abuse, including domestic violence and physical abuse of minors. During the first half of the year, police recorded 3,084 cases. Physical abuse accounted for 69 percent of all violent crimes in the country.

In 2013 police registered 2,752 domestic violence cases. Women comprised 84 percent of the victims. Courts ruled on approximately one-fourth of all domestic violence cases reported to police.

Victims of domestic violence and of sexual violence could obtain help, including counseling and legal assistance, from social workers employed by local governments and from specialized NGOs, which received part of their support from local governments. NGOs, local governments, and others could seek additional assistance for victims from the national government. There was a network of shelters for women and women with children who were victims of gender-based violence as well as hotlines for domestic violence and child abuse.

Police officers, border guards, and social workers received training related to domestic and gender violence from NGOs, the Ministry of Social Affairs, the Ministry of Interior, and the Ministry of Justice.

Female Genital Mutilation/Cutting (FGM/C): There are no laws that specifically address FMG/C, but authorities could apply a number of legal provisions, including those against causing serious damage to a person's health or the humiliation of a person because of gender, in such cases. There were no reports of FGM/C in the first 10 months of the year.

Sexual Harassment: The law prohibits sexual harassment, but there were some reports of sexual harassment in the workplace. By law sexual harassment complaints may be resolved in court, before the legal chancellor, by the Labor Dispute Committee, or by the gender-equality and equal-treatment commissioner. An injured party may demand termination of the harmful activity and compensation for damages.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely the number, spacing, and timing of their children and to have the information and means to do so. They have the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning. There were 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.

Discrimination: In 2013 the gender and equal treatment commissioner received more than 100 applications and complaints of gender discrimination. In 15 cases the commissioner determined that discrimination had occurred. In the same period, the Labor Inspectorate received complaints from 17 individuals. The Labor Dispute Committee determined that unequal treatment had occurred in five cases and found partial discrimination in one case. One case was pending at year's end. The legal chancellor received 39 complaints relating to unequal treatment and discrimination and initiated proceedings in cases determined to have merit (see section 7.d.).

Although women have the same rights as men under the law and are entitled to equal pay for equal work, employers did not always respect these rights. Despite a higher average level of education than men, in 2013 women's average earnings

were 30 percent lower than those of men for the same work. There continued to be female- and male-dominated professions.

The gender equality and equal treatment commissioner, an independent expert, monitored compliance with the law that requires 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 primarily 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 large population of persons who are not citizens are themselves noncitizens unless and until a parent who is long-term resident applies to obtain citizenship for the child before the child reaches the age of 15. Registration of births occurred in a timely manner.

Child Abuse: Child abuse continued to be a problem. In 2013 police reported 286 cases of sexual abuse of minors, 6 percent fewer than in 2012. Underage victims were involved in one-half of the 135 cases of rape reported in 2013. In the same year, courts convicted 56 individuals of sexually assaulting minors. In 2013, 13 percent of victims of domestic violence were minors. The Police and Border Guard Board worked to combat child abuse, including sexual abuse. The legal chancellor acted as children's ombudsman. In November 2013 the parliament passed a law imposing stricter punishment for child sexual abuse, including sentences of two to eight years in prison, and making it illegal to purchase sex from minors. The law requires additional background checks for persons working with children.

Early and Forced Marriage: The legal minimum age for marriage is 18. In 2013 five girls younger than the minimum, all age 17, married. Lawful marriage under the age of 18 requires parents' permission. There were no reports of forced marriages.

Female Genital Mutilation/Cutting (FGM/C): There was no law specifically prohibiting this practice, but authorities could use existing child protection laws to prosecute offenders. There were no reports of FGM/C in the first 10 months of the year.

Sexual Exploitation of Children: The minimum age for consensual sex is 14. The law prohibits child pornography, and punishment for violations ranges from a fine to three years in prison. Authorities enforced the laws. In 2013 they registered 70 cases of child pornography, which represented 19 percent of all sexual crimes.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see <http://travel.state.gov/content/childabduction/english/country/estonia.html>.

### **Anti-Semitism**

The Jewish community numbered an estimated 2,500 persons.

The government took a number of steps to commemorate the Holocaust and encourage best practices in teaching the subject in schools.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and transportation, including air transport. The government generally enforced these provisions.

The state provides access to information services and makes individual assistants available to persons with disabilities when necessary. By law buildings constructed or renovated after 2002 must be accessible to persons with disabilities. Few older buildings were accessible, but new or renovated ones generally were. Fewer than 25 percent of persons with disabilities had jobs. According to the legal chancellor, measures to safeguard the fundamental rights of individuals in mental health facilities remained inadequate. Problems included abusive use of physical restraints and inadequate medical care. NGOs complained that while services typically were accessible in the capital, persons with disabilities in some rural areas had difficulty receiving appropriate care. In 2013 the commissioner for gender equality and equal treatment received 12 claims of discrimination based on disability (also see section 7.d.).

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. Children with disabilities attended school (primary, secondary, and higher education). The government focused on developing rehabilitation services to improve the ability of persons with disabilities to cope independently and increase their social inclusion. The government also compensated for some additional expenses incurred by persons with disabilities.

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

The government encouraged the social integration of the 29 percent of the population, mostly Russians, Ukrainians, and Belarusians, who were members of ethnic minorities through a policy that promoted naturalization and learning the Estonian language. In districts where more than half the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in their language, and authorities respected the law. The government also funded activities, including cultural associations and societies, that focused on the languages and cultures of minority groups.

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 skill requirements in those sectors, referring persons with insufficient skills to language classes and imposing small fines.

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.

The government continued to implement its plan requiring that “Russian-speaking” high schools conduct 60 percent of their instruction in Estonian. Many schools implemented this transition more rapidly than required.

Some human rights activists expressed concern over a 2012 court ruling that rejected Yana Toom’s defamation suit against the Internal Security Service. Toom, a member of the European Parliament and former deputy mayor of Tallinn, sued the Internal Security Service after its 2011 yearbook stated that, in

cooperation with the Human Rights Information Center, put pressure on the directors of Tallinn's Russian-language schools to seek permission to continue with Russian-language education, contradicting the government's plan to transition to 60 percent Estonian-language education. Toom appealed to the Tallinn district court, whose April 11 decision partly satisfied her complaint by declaring the publication of such information in the yearbook unlawful and ordering the agency to remove or cover up sentences pertaining to her in the digital issue of the 2012 yearbook. The Internal Security Service appealed the case to the Supreme Court, which, on October 13, decided not to hear the appeal. The service subsequently announced that it complied with the ruling in full.

Roma, who numbered fewer than one thousand, 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 (also see section 7.d.).

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

The law prohibits discrimination based on gender, sexual orientation, or other personal characteristics, and the government generally respected these prohibitions. While the law is not specific regarding the forms of sexual orientation and gender identity covered, the general understanding is that all are included. On October 9, the parliament adopted the Civil Partnership Act, which recognizes same-sex couples alongside heterosexual couples and providing for enhanced protection of the rights of same-sex couples and their family members. Advocacy groups reported that harassment and discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons remained routine within society.

According to LGBT activists, many LGBT persons did not reveal their sexual orientation or gender identity publicly 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 strong, hostile language, in some cases advocating violence against individuals and the LGBT community. Some rights organizations reported that LGBT persons, especially males, were reluctant to display affection in public due to fear of physical and verbal assaults should they do so. These organizations also complained that there was a lack of data on the challenges faced by LGBT persons and that the government made little effort to fund studies on these issues.



In 2013 the commissioner for gender equality and equal treatment received four claims of discrimination based on sexual orientation. Two of the claimants were men, one was a woman, and one was a legal entity.

## **Section 7. Worker Rights**

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

The law, related regulations, and statutory instruments provide workers with the right to form and join independent unions of their choice, bargain collectively, and conduct legal strikes. The government generally respected these rights. The law 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 employees because of union membership. The right to strike is limited in the public sector. Public servants do not have the right to strike. There is a procedure enabling public servants to negotiate directly with their employers.

The government effectively enforced applicable laws. Resources, inspections, and remediation were adequate to ensure compliance with the law. Information regarding penalties and their sufficiency to deter violations was not available. Administrative and judicial procedures were not subject to lengthy delays.

Some workers found it difficult to exercise their trade union rights. The Confederation of Estonian Trade Unions reported frequent violations of trade union rights in the private sector during the year. Confederation officials claimed antiunion behavior was widespread and labor inspectorate officials did not efficiently enforce the laws against such behavior.

Freedom of association and the right to bargain collectively generally were respected. Nevertheless, some enterprises advised workers against forming trade unions, threatened them with dismissal or a reduction in wages if they did, or promised benefits if they did not join unions. Parties freely engaged in collective bargaining, and there were no reports that the government interfered in the functioning of workers' organizations.

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

The law prohibits forced or compulsory labor, and the government effectively enforced the law. In 2013 police registered 26 trafficking connected crimes, 14 cases more than in 2012. Penalties for trafficking and forced labor offenses range up to 15 years' imprisonment. While penalties for violations were sufficient, the application in sentencing often failed to reflect the seriousness of the crime.

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

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

In most cases the legal minimum age for employment is 18, but 15- to 17-year-old children may work with the consent of a parent or guardian, and seven- to 12-year-old children may engage in light work in the areas of culture, art, sports, or advertising with the consent of the Labor Inspectorate. Children under age 18 may not perform hazardous work. The law limits the hours that children may work and prohibits overtime or night work. The Labor Inspectorate is 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. Discrimination with Respect to Employment or Occupation**

Labor laws and regulations prohibit discrimination regarding nationality, race, color, political opinion, age, sex, gender, disability, language, sexual orientation and/or gender identity, and origin. The government enforced these laws. With respect to employment or occupation, labor laws and regulations follow the following principles: employers are obligated to provide employees protection against discrimination, follow the principle of equal treatment, and promote equal treatment and gender equality.

Discrimination in employment or occupation occurred with respect to age, gender, disability, and language (see section 6).

### **e. Acceptable Conditions of Work**

The national monthly minimum wage was 355 euros (\$444). For a single member of a one-person household, the poverty line is 205 euros (\$256).

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. The government effectively enforced these requirements. There is no prohibition against excessive compulsory overtime.

The government sets occupational health and safety standards. The Labor Inspectorate, the Health Protection Inspectorate, and the Technical Inspectorate were responsible for enforcing these standards and made efforts to do so in both the formal and informal sectors. Violations of health and safety standards were more common in the construction industry. Between June and August 2013, the Labor Inspectorate inspected work conditions for minors. There were 70 labor inspectors; there were no reports that resources were inadequate. Penalties for violations include a fine of up to 2,600 euros (\$3,250), if committed by a legal person, and were sufficient to deter violations. Men from Poland and Ukraine experienced labor exploitation, particularly in the construction sector.

In 2013 there were 4,180 occupational accidents, a ratio of 673 occupational accidents per 100,000 employees. Laws and regulations allow workers to remove themselves from situations that endanger health or safety without jeopardy to their employment. Authorities effectively protected employees in this situation.