

ESTONIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Estonia is a multiparty, constitutional democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. The prime minister and cabinet generally represent the party or coalition of parties with a majority of seats in the parliament. The most recent parliamentary elections took place in March 2015, with a coalition government taking office the following month. The government coalition changed in November 2016 when Prime Minister Juri Ratas' government, composed of the Center Party, Social Democrats, and Pro Patria and Res Publica Union, took office. On October 15, local elections took place. Observers considered the elections free and fair.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses during the year.

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 Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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. The number of cases brought against police officers for excessive use of force declined from previous years. In 2016, authorities filed three cases against police

officers for excessive use of force. During the first seven months of the year, there was one court case against a former police officer. A police officer threatened and physically assaulted one young man and used excessive force against another. On June 30, the Parnu County Court found a police officer guilty of using excessive force in 2016, sentencing the officer conditionally to 18 months in prison with two years' probation and requiring him to complete a social program.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: In inspecting several institutions during the year, the legal chancellor found a number of deficiencies in prison and detention center conditions, particularly in the latter where officials held detainees for short periods. Some facilities were inadequate in terms of the availability of medical care and fire safety. The continuing use of the worn, outdated Soviet-era prison in Tallinn for a large number of prisoners remained a problem. Recreational facilities in the prison were few and in poor condition. The legal chancellor reported inmates did not have sufficient access to legal documentation in some prisons and detention centers and that there were shortcomings in the application of restraints, including handcuffs, as well as excessive video surveillance and inadequate documentation of the medical condition of detainees.

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

d. Arbitrary Arrest or Detention

The constitution and laws prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her detention in court, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Police and Border Guard Board and the Internal Security Service maintain internal security. The army is responsible for external security but also has some domestic security responsibilities. The Police and Border Guard Board and the Internal Security Service report to the Ministry of the Interior. The Estonian

Defense Forces report to the Ministry of Defense. 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, while 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.

Civilian authorities maintained effective control over the Police and Border Guard Board, the Internal Security Service, and the army, and the government has effective mechanisms to investigate abuse. There were no reports of impunity during the year.

Arrest Procedures and Treatment of Detainees

Apart from those arrested during the commission of a crime, the law requires that in making arrests, authorities must possess warrants issued by a court based on evidence and must inform detainees promptly of the grounds for their arrest. There is a functioning bail system and other alternatives for provisional release pending trial. Authorities may hold individuals for 48 hours without charge; further detention requires a court order. Police generally complied with these requirements. Criminal procedure rules provide for a maximum detention of two months during preliminary investigations in cases where the accused is a minor and four months in cases of second-degree (less serious) crimes. 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.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain compensation if found to have been unlawfully detained.

e. Denial of Fair Public Trial

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

Trial Procedures

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

Defendants enjoy the right to a presumption of innocence, prompt and detailed notification of the charges (with free interpretation if necessary), a fair and public trial without undue delay, presence at their trial, communication with an attorney of choice, adequate time and facilities to prepare a defense, free interpretation as necessary from the moment charged through all appeals, as well as the right to confront prosecution or plaintiff witnesses and to present one's own witnesses and evidence. Defendants cannot be compelled to testify or confess guilt and have the right to appeal. 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. They may appeal unfavorable decisions to the European Court for Human Rights after exhausting all domestic remedies.

Property Restitution

The government has laws and mechanisms in place for property restitution, and nongovernmental organizations (NGOs) and advocacy groups reported no issues with the government's resolution of Holocaust-era claims, including for foreign citizens.

f. Arbitrary or Unlawful 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, Including for the Press

The constitution provides for freedom of expression, including for the 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, including for the press. The constitution states that incitement to national, racial, religious, or political hatred, violence, or discrimination, as well as to conflict between social strata, is punishable by law. The criminal code limits application of this provision to incitement that results in danger to the life, health, or property of a person. There were no reports of prosecutions for such offenses during the year. Independent media were active and expressed a wide variety of views without restriction.

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. According to statistics compiled by the International Telecommunications Union, 87 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for freedom of peaceful assembly, and the government generally respected these freedoms.

The annual remembrance ceremony commemorating the Battle of Sinimae mentioned in previous years' reports again occurred.

Freedom of Association

While the constitution provides for freedom of association, the law specifies that only citizens may join political parties. There were 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/religiousfreedomreport/.

d. Freedom of Movement

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 NGO Estonian Human Rights Center (EHRC) and other NGOs provided legal and social 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. The EHRC continued to raise concerns about the prolonged detention of asylum seekers during adjudication of cases.

Safe Country of Origin/Transit: The government has a policy of denying asylum to applicants from a "safe" country of origin or transit. Authorities asserted that they granted interviews to all individual asylum seekers.

Durable Solutions: The government assisted in the safe, voluntary return of some refugees to their countries of origin under a program of the International Organization on Migration. The country worked with the EU and UNHCR to implement a refugee resettlement program. Naturalization is open to all permanent residents of Estonia after five years' residence and passage of citizenship and language examinations.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees. The government granted temporary protection via residence permits to 39 individuals during the first seven months of the year.

Stateless Persons

UNHCR categorized 85,301 persons as stateless as of the end of 2015. As of January 1, according to government statistics, there were 77,926 residents of undetermined citizenship, or 5.9 percent of the population. Nearly all were ethnic Russians, Ukrainians, or Belarusians. These persons are eligible to apply for naturalized citizenship, and some of them may hold Russian, Ukrainian or Belarusian citizenship.

There are statutory procedures that offer adults opportunities for obtaining citizenship by naturalization, but some human rights observers regarded them as inadequate, and their rate of naturalization remained low. To facilitate acquisition of citizenship, authorities adopted such policies as funding civics and language courses and simplifying naturalization for persons with disabilities. The government also simplified the Estonian language requirements so that applicants older than 65 are no longer required to take a written language examination, although they still must pass an oral one. The government also provides citizenship, without any special application by the parents, to persons younger than 15 who were born in Estonia and whose parents were not citizens of Estonia or of any other country and had lived in Estonia for five years at the time of the birth of the child.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Parliamentary elections in 2015 were considered free and fair and led to the formation of a three-party coalition government comprising the Reform Party, Social Democrat Party (SDE), and Pro Patria and Res Publica Union (IRL). The Reform Party-led coalition dissolved, and in accordance with the constitution, a new coalition, consisting of the Center Party, SDE, and IRL took office; Juri Ratas has led that coalition as prime minister since November 2016.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. The law allows only citizens to organize or join political parties.

Noncitizens who are long-term residents may vote in local elections but cannot vote in national elections or hold public office.

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. There were isolated reports of official corruption during the year.

Corruption: On September 29, the Prosecutor General's Office pressed charges against two former top managers of the state-owned Port of Tallinn, former CEO Ain Kaljurand and former board member Allan Kiil, who were indicted on charges of accepting bribes on multiple occasions and engaging in money laundering from 2005 to 2015. Each was charged with receiving millions of euros in bribes.

Financial Disclosure: The law requires all public officials to disclose their income and assets. 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.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Government Human Rights Bodies: The legal chancellor, an independent official with a staff of more than 45, 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 the 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

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. According to the NGO Sexual Health Union, 13 percent of women have suffered sexual abuse, including rape.

According to NGOs and shelter managers, violence against women, including domestic violence, was a problem. More than 80 percent of the victims of domestic violence registered by the police were women.

NGOs, local governments, and others could seek 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 the Interior, and the Ministry of Justice.

Sexual Harassment: The law prohibits sexual harassment, but there were reports of such 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. In July the penal code was amended and sexual harassment became a misdemeanor offense, punishable by a fine of 2,000 euros (\$2,400) or detention for up to 30 days.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides the same legal status and rights for women as for men. The government generally enforced such laws. There were reports of discrimination in employment and occupation, and unequal treatment, due to gender, age, disability, and sexual preference (see section 7.d.).

Children

Birth Registration: Citizenship derives primarily from the citizenship of at least one parent. Either citizen parent may pass citizenship to a child regardless of the other parent's citizenship status. On January 1, an amendment to the law became effective which provides that children born to parents who are not citizens of Estonia or of any other country and have lived in the country for five years, acquire citizenship at birth. Registration of births occurred in a timely manner.

Child Abuse: In 2016 approximately 89 percent of sexual crimes were committed against persons under the age of 18. The Police and Border Guard Board worked to combat child abuse, including sexual abuse. The legal chancellor acted as children's ombudsman. Police provide training to officers on sexual abuse in cooperation with the justice, education, and social ministries and local and international organizations.

Early and Forced Marriage: The legal minimum age for marriage is 18. A court may extend the legal capacity of a person at least 15 years of age for the purpose of marriage.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities enforced the law. The minimum age for consensual sex is 14. Conviction of engaging in child pornography carries punishment ranging from a fine to three years in prison. Girls are more frequently exploited than boys.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parent Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish community numbered an estimated 2,500 persons. There were no reports of anti-Semitic acts.

A political hopeful from the Conservative People's Party of Estonia posted a platform for 2019 European Parliament elections that included decriminalizing Holocaust denial and implementing the "correct teaching of the history of the Third Reich." Although his statements received coverage from international media, he received only 91 votes (0.6 percent of the total votes cast in the district in which he competed) in the October local elections and was not supported by his party.

On January 27, the government held an annual memorial event on Holocaust Remembrance Day at the Rahumae Jewish Cemetery in Tallinn. Schools participated in commemorative activities throughout the country. On January 27, the Ministry of Education and Research in cooperation with the foundation Unitas, the Estonian NATO Association, the Jewish community, and other organizations, sponsored a seminar for history and civics teachers from across the country to introduce them to best practices in the classroom for Holocaust commemoration.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental. The government generally enforced these provisions.

Persons with disabilities may avail themselves of government assistance in accessing information and may request individual personal assistants when necessary. The law provides that 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. 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, documentation thereof, 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. There were reports of discrimination in occupation or employment (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. The government implemented the Work Ability Reform, which was intended for persons with reduced working ability and whose ability to be active in the society was assessed individually. The government focused on developing rehabilitation services to improve the ability of those with disabilities to cope independently. The government also provided compensation for some additional expenses incurred by persons with disabilities.

In 2016 police recorded one case of physical abuse, which included hatred against a person with a disability.

National/Racial/Ethnic Minorities

In 2016 police registered 10 cases of physical abuse or breach of public order based on grounds that included hatred against racial/ethnic minorities; of these, three crimes had to do with race, six with religion, and one with descent.

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.

Russian speakers alleged that Estonian language requirements resulted in job and salary discrimination.

In districts where more than half the population spoke a language other than Estonian, the law entitles inhabitants to receive official information in their language, and authorities respected the law.

Roma, who numbered fewer than 1,000, reportedly faced discrimination in several areas, including employment. The government took steps to emphasize the importance of education for Romani children, but their dropout rate remained high.

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. While the law is not specific regarding the forms of

sexual orientation and gender identity covered, the general understanding is that all are included. Advocacy groups reported that harassment and discrimination against LGBTI persons remained routine.

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, consisting of representatives of unions and employers, or the courts resolve individual labor disputes. The law prohibits discrimination against employees because of union membership and requires the reinstatement of workers fired for union activity. Public-sector employees do not have the right to strike, but they can negotiate their salaries and working conditions directly with their employers.

The government generally enforced applicable laws. Resources, inspections, and remediation were usually adequate to achieve compliance with the law. In most cases violators incurred fines that were sufficient to deter violations. Criminal proceedings and civil claims were also available. The penalties employers had to pay were related primarily to workplace accidents and occupational illnesses. Administrative and judicial procedures were not subject to lengthy delays.

The government and most employers generally respected freedom of association and the right to bargain collectively. Parties freely engaged in collective bargaining, and there were no reports that the government or parties interfered in the functioning of workers' organizations.

The Confederation of Estonian Trade Unions alleged frequent violations of trade union rights in the private sector during the year. Confederation officials claimed antiunion behavior was widespread. They also reported that some enterprises advised workers against forming trade unions, threatening them with dismissal or a reduction in wages if they did, or promising benefits if they did not.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and the government effectively enforced the law. In 2016 police registered two cases of a forced-labor crime. In 2016, 14 cases concerning trafficking in persons reached the courts; 29 individuals, of whom seven were women, and two companies were found guilty. Penalties for human trafficking and forced-labor offenses range up to 15 years' imprisonment. While penalties for violations were sufficient, their 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/.

c. Prohibition of Child Labor and Minimum Age for Employment

An amendment to the law regulating work by for minors took effect in May. The law removed several restrictions on hiring minors and made it possible for companies to apply for support for minors' salaries. Minors who have graduated from the basic school may work full time. In most cases, the legal minimum age for employment is 18, but 15- to 17-year-old children may work, depending on whether or not the child is still at school. 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. Minors may not perform hazardous work, such as handling explosive substances, working with wild animals, etc. 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. The government effectively enforced applicable law.

d. Discrimination with Respect to Employment and Occupation

The government generally enforced the law prohibiting discrimination in employment and occupation. If workers claimed discrimination and turned to the courts, and the Labor Inspectorate or gender equality commissioner and the appropriate institution found the suit justified, workers were indemnified by employers. With respect to employment or occupation, labor laws and regulations require employers to protect employees against discrimination, follow the principle of equal treatment, and promote equal treatment and gender equality. Nevertheless, discrimination in employment or occupation occurred with respect to age, gender, disability, ethnicity, and language (see section 6), and there were

complaints to the gender and equal treatment commissioner, the legal chancellor, and the Labor Inspectorate.

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 possessing a higher average level of education than men, according to March 2017 Eurostat statistics, women's average earnings were 26.9 percent lower than those of men for the same work. There continued to be female- and male-dominated professions. Women constituted one-third of managers.

Fewer than 25 percent of persons with disabilities had jobs. During the year the commissioner for gender equality and equal treatment received more claims of discrimination based on disability than in previous years. Persons with disabilities faced discrimination in employment and access to the workplace.

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. Roma reportedly faced discrimination in employment (see section 6, National/Racial/Ethnic Minorities).

e. Acceptable Conditions of Work

The country had a national monthly minimum wage that was higher than the poverty income level. Authorities generally enforced minimum wage laws.

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 provides for paid annual holidays and 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. Minimum wage, hours of work, and occupational health and safety standards were generally enforced in all sectors. 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 and wood-processing

industries. The Labor Inspectorate was adequate to enforce compliance. Penalties for violations include fines and were sufficient to deter violations. In 2016 the Labor Inspectorate prescribed penalties in 187 cases, of which 100 were for companies and 87 for individuals. Men from Poland and Ukraine experienced labor exploitation, particularly in the construction sector, where “envelope wages” (nontaxed cash payments) were sometimes paid.

Laws and regulations allow workers to remove themselves from situations that endanger their health or safety without jeopardy to their employment. Authorities effectively protected employees in this situation.