

ESTLAND (80)

U.S. Department of State

Estonia Country Report on Human Rights Practices for 1997

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ESTONIA

Estonia is a parliamentary democracy. With its statehood widely recognized as continuous for more than 70 years, Estonia regained its independence in 1991 after 50 years of Soviet occupation. The Constitution, adopted by referendum in 1992, established a 101-member unicameral legislature (State Assembly), a prime minister as Head of Government, and a president as Head of State. A cabinet reshuffle in March led to the departure of Prime Minister Tiit Vahi and the appointment of Mart Siimann as his successor. The judiciary is independent.

The official conversion of the Soviet militia into the Estonian police preceded the reestablishment of the country's independence by about 6 months. Its conversion into a Western-type police force committed to procedures and safeguards appropriate to a democratic society is proceeding, with police leadership actively working to professionalize the force. The police, who are ethnically mixed, are subordinate to the Ministry of Internal Affairs. Corrections personnel are subordinate to the Ministry of Justice. The security service, called Security Police, is subordinate to the Interior Ministry but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

Estonia has a market economy. Reflecting the extent of post-1992 reforms, Estonia has been selected to start accession negotiations with the European Union. Services, especially financial and tourism, are growing in importance compared to historically more prominent light industry and food production. Privatization of small and medium firms is virtually complete, and privatization of large-scale enterprises is underway. The economy continues to grow steadily, with gross domestic product (GDP) estimated to increase by about 7 to 8 percent in 1997. Although prices continue to rise, incomes are rising faster than the rate of inflation. Per capita GDP is about \$2,530 per year. Two-thirds of Estonian exports (textiles, food products, wood and timber products) are now directed to Western markets. Unemployment remained fairly low overall (unofficially about 8 percent) but was significantly higher in rural areas.

The Government generally respected the human rights of its citizens and the large noncitizen community, but problems remained in some areas. The major human rights abuses continued to be mistreatment of prisoners and detainees, and the use of excessive force by the police. Prison conditions are poor. The deadline for noncitizens to file for permanent residency expired in 1996, after being extended twice. An undetermined number of noncitizens have still not filed for residency. Problems remain in processing the applications for permanent residency of some 19,000 Russian military retirees and family members. Processing of applications for alien passports continued. By late 1997, most applicants for alien passports had received them. The Government continued to issue temporary travel documents and to accept officially invalid former Soviet internal passports for identification in emergency situations, such as registering births and deaths. In January the Council of Europe closed its human rights monitoring mission in Estonia.

RESPECT FOR HUMAN RIGHTS

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

a. *Political and Other Extrajudicial Killing*

There were no reports of political or other extrajudicial killings.

b. *Disappearance*

There were no reports of politically motivated disappearances.

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

Such practices are prohibited by law. However, there continued to be credible reports that police used excessive force and verbal abuse during the arrest and questioning of suspects. Punishment cells ("kartsers") continued to be used, in contravention of international standards. Most of the top leadership of one prefecture was dismissed for abuse of power.

Four cases of hazing in the military were reported; one was formally investigated and the charges were dropped. There were reports of more instances of recruit mistreatment, one of which resulted in a 24-hour unauthorized absence by an entire platoon. A training tragedy that took the lives of 14 soldiers in September focused public attention on safety and discipline in the military.

Prison conditions remained poor. Overcrowding continued in the Tallinn Central Prison built in 1765, although the opening of a new wing, which meets European standards, reduced the overcrowding. The Government continued measures to address poor prison conditions and to make prison staff more professional. By mid-October, one prisoner had been killed by other prisoners, compared with four in 1996. Opportunities to study or work in prison were limited.

The Government has drafted a multiyear plan to refurbish and restructure all the country's prisons and to close the Tallinn Central Prison, but it had not yet been implemented by year's end. Some suggestions to improve prison conditions made by Council of Europe (COE) representatives in 1993 have been implemented, but fulfillment of others is still hampered by lack of resources and high turnover among prison staff.

The Government permits human rights monitors to visit prisons.

d. *Arbitrary Arrest, Detention, or Exile*

The Constitution and laws forbid arbitrary arrest, detention, or exile, and the Government generally observes this prohibition. Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. If a person cannot afford counsel, the State will provide one. A person may be held for 48 hours without formally being charged; further detention requires a court order. A person may be held in pretrial detention for 2 months; this may be extended up to a total of 12 months by court order. Police rarely violate these limits. As of July, 1,613 of the 4,785 persons held in prisons were awaiting trial.

e.

Denial of Fair Public Trial

The Constitution establishes an independent judicial branch and the judiciary is independent in practice. The judiciary operates through a three-tier court system: rural and city courts; district courts; and the State Court (which functions as a supreme court). The district and state courts are also courts for "constitutional supervision." At the rural and city levels, court decisions are made by a majority vote with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges who are then appointed by the President. Judges are appointed for life.

The Constitution provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence.

Estonia continued to overhaul its criminal and civil procedural codes. An interim Criminal Code that went into effect in June 1992 basically revised the Soviet Criminal Code by eliminating, for example, political and economic crimes. The Code of Criminal Procedure was adopted in 1994. New codes in a variety of fields were being drafted at year's end. A multiyear plan is being compiled to replace present criminal codes with new penal codes that fully meet European standards.

There were no reports of political prisoners. In September 1996 former dissident Tiit Madisson was sentenced to 26 months in prison for attempting to organize an armed overthrow of the Government. The sentence was appealed through all levels of the legal system and upheld; however, in December the Government granted Madisson amnesty.

f.

Arbitrary Interference With Privacy, Family, Home, or

Correspondence

The law requires a search warrant for search and seizure of property. During the investigative stage, warrants are issued by the prosecutor upon a showing of probable cause. Once a case has gone to court, warrants are issued by the court. The Constitution provides for secrecy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept a person's communications. Illegally obtained evidence is not admissible in court. At year's end, security police and parliamentary investigations were continuing into the 1995 case involving then Interior Minister Savisaar who was implicated in making unauthorized recordings of conversations.

Section 2 Respect for Civil Liberties, Including:

a.

Freedom of Speech and Press

The Government respects constitutional provisions providing for freedom of speech and the press. The media routinely do probing and thorough investigative reporting. Foreign newspapers and magazines are widely available. All newsprint, printing, and distribution facilities are now private companies. There are four major national Estonian language and three Russian language dailies, in addition to important weeklies. In a widely reported case, a well-known journalist was tried and convicted for insulting the spouse of a pro-

minent politician in a newspaper interview and received a fine. The sentence was upheld by all levels of the judiciary.

State broadcast media, including one nationwide television channel, continue to receive large subsidies, and the State has assured that these subsidies will continue. There are several major independent television and radio stations. Several Russian language programs, mostly Estonian produced, are broadcast over state and private television channels. Russian state television and Ostankino programs are widely available via cable.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble freely, but noncitizens are prohibited from joining political parties, although they may form social groups. Permits for all public gatherings must be obtained 3 weeks prior to the date of the gathering. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom exercise it. There were no reports of government interference in mass gatherings or political rallies.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

The 1993 Law on Churches and Religious Organizations requires all religious organizations to have at least 12 members and to be registered with the Interior Ministry and the Board of Religion. Leaders of religious organizations must be citizens with at least 5 years' residence in Estonia.

The majority of Estonians are nominally Lutheran, but following deep-seated tradition there is wide tolerance of other denominations and religions. People of varying ethnic backgrounds profess Orthodoxy, including communities of Russian Old Believers who found refuge in Estonia in the 17th century. The Estonian Apostolic Orthodox Church (EAOC), independent since 1919, subordinate to Constantinople since 1923, and exiled under the Soviet occupation, reregistered under its 1935 statute in August 1993. Since then, a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure imposed during the Soviet occupation has insisted that it should have claim to the EAOC name but has been unable to register under the same name. Representatives of the Moscow and Constantinople Patriarchates continued consultations to resolve the question, which centers on property issues. The Government and some prominent businessmen were facilitating the discussions. By year's end a compromise solution was under consideration, according to which the congregations affiliated with Moscow would register under a slightly different name and receive the property currently in their possession for long-term use. Throughout the dispute, free worship has occurred in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law permits free movement within the country, and it is honored in practice. It also provides for the right of foreign travel, emigration, and repatriation for citizens. There are no exit visas.

In July 1993, Parliament enacted a Law on Aliens that defines an alien as a person who is not a citizen of Estonia, i.e., a citizen of another country or a stateless person. The majority of noncitizens are ethnic Russi-

ans. The law provided a 1-year period during which noncitizens who came to Estonia prior to July 1, 1990, and were permanent residents of the former Estonian Soviet Socialist Republic, could apply for temporary residence permits. They could also apply for permanent residence at the same time. Following delays and confusion in implementation as well as criticism by international human rights observers, the application deadline was extended by a year, until July 12, 1995. By that date the vast majority of aliens--327,737 of the estimated 370,000--had filed applications. The Government extended the registration period until April 30, 1996. An indeterminate number of noncitizens--estimates range from 20,000 to 50,000--still have not registered. In mid-year, the Government began a campaign to register this group of unregistered aliens, pledging not to take any measures against them. By October some 1500 had come forward. In September the Government proposed and Parliament approved an amendment to the aliens law that allowed those who had applied for residence by July 12, 1995, to change temporary residence permits to permanent ones, beginning in 1998, 2 years earlier than the original act envisioned.

There were complaints about the slow pace with which the Government was processing residence applications for some 19,000 Russian military pensioners. The process was complicated by the lack of Russian-provided passports in which to affix the permits. An estimated 35 percent of the first group of military pensioners missed the deadline to present their passports for residence permits. Technically, the Citizenship and Migration Board could move to have them deported. In fact, however, the Government is moving on a case-by-case basis to solve the outstanding issues. The Government refused residence to eight former members of the Soviet military. After one case involving an individual married to an Estonian citizen with children in Estonia attracted wide attention, the Government reviewed the cases and granted residence permits to six individuals. Another ex-serviceman, Evgeni Zobnin, was deported; however, following considerable critical publicity, the authorities issued a visa and allowed him to return, pending resolution of his case. The Government continued to issue alien passports to those former servicemen who could not or did not want to take out Russian citizenship.

No restrictions are placed on the right of noncitizens to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The Government began issuing temporary travel documents valid for a single departure and reentry into the country to resident aliens in 1994. To accommodate entry visa requirements of other countries, the validity period of the document was extended in August 1994 from 6 months to 2 years. In late 1994, the Government began issuing alien passports. These are issued to resident aliens not in possession of any other valid travel document. Such aliens included: (1) persons who are designated as stateless; (2) foreign citizens who lack the opportunity to obtain travel documents of their country of origin or of another state; (3) persons who file for Estonian citizenship and pass the language examination if required; and (4) aliens who are permanently departing Estonia. The Government plans to expand the classes of noncitizens eligible for alien passports. It has already approved their issuance to noncitizens intending to study abroad and has agreed to issue them to former military personnel who cannot or do not want to take out Russian citizenship. By September 160,112 persons had applied for alien passports, and some 157,000 passports had been issued.

The Government has deported a relatively small number of illegal aliens, usually those caught in criminal acts. By late July, 45 illegal aliens were held as internees, pending deportation or a court order granting them residence. Internees are held in a wing of a regular prison.

In February Parliament passed a refugee law that brought Estonia into conformity with the 1951 United Nations (U.N.) Convention Relating to the Status of Refugees and its 1967 Protocol, and in October amended several social security acts to provide refugees social guarantees identical to those of citizens. Implementing regulations have not yet been issued. The Government has selected a site for a refugee processing center but construction has not begun. Late in the year, one refugee application was pending. There were no reports of refugees returned to areas where they would face persecution.

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

Change Their Government

Citizens have the right to change their Government. In March 1995, free and fair elections to the second post-Soviet Parliament were held. Among the deputies are six ethnic Russians. Indirect presidential elections were held in 1996. When the Parliament failed to muster the required two-thirds majority to elect the President, an Electoral Assembly consisting of parliament members and representatives of local governments convened and reelected the incumbent, Lennart Meri.

Local elections were held in late October 1996. According to legislation, resident noncitizens can vote but not run for office. The local elections were free and fair. All candidates had certified that they knew Estonian sufficiently to be able to function in local government. However, after the elections, there were complaints that some candidates did not know sufficient Estonian. In October the Government brought court charges against a former chairman of the Sillamae town council for having filed a fraudulent certificate. Depending on the outcome of the case, charges may be filed in other cases.

The Citizenship Law enacted in February 1992 readopted the 1938 Citizenship Law. According to that law, anyone born after 1940 to a citizen parent is a citizen by birth. The parent does not have to be an ethnic Estonian. The Government estimates that under this provision some 80,000 persons not ethnically Estonian have obtained citizenship. The law included requirements for naturalization, such as a 2-year residency requirement, to be followed by a 1-year waiting period, as well as knowledge of the Estonian language. According to Max van der Stael, the Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities, over 200,000 persons experienced a reduction in status to that of resident alien. Automatic citizenship is provided to those who were citizens in 1940 and their descendants, not to those who moved there during occupation (resident aliens). The law establishes a naturalization mechanism.

In January 1995, Parliament adopted a new Citizenship Law, revising the 1992 law and combining into one statute provisions regarding citizenship that were scattered among several pieces of legislation. This law became effective in April 1995. It extended the residency requirement for naturalization from 2 to 5 years and added a requirement for knowledge of the Constitution and the Citizenship Law. Persons who had taken up legal residence in Estonia prior to July 1, 1990, are exempt from the 5-year legal residence and 1-year waiting period requirements. The law allows the Government to waive the language requirement but not the civic knowledge requirement for applicants who have Estonian language elementary or higher education, or who have performed valuable service to Estonia. In an effort to fulfill the remaining 2 (of 30) recommendations of the OSCE High Commissioner for National Minorities, the Government simplified the civic knowledge test and on December 9 approved draft legislation that would amend the citizenship law to grant automatic citizenship to stateless children born after February 26, 1992, to legally resident stateless parents upon the parents' or guardians' application.

Based on current law, the following classes of persons are ineligible for naturalization: those filing on the basis of false data or documents; those not abiding by the constitutional system or not fulfilling the laws; those who have acted against the State and its security; those who have committed crimes and been punished with a sentence of more than 1 year or who have been repeatedly brought to justice for felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who have served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. (The latter includes spouses who have come to Estonia in connection with the service member's assignment to a posting, the reserves, or retirement.) A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years.

Between 1992 and late August, 92,890 persons had received citizenship through naturalization. The Russian embassy reported that some 120,000 persons had obtained Russian citizenship, however, the Embassy declined to supply the Government with a list. The actual number of Russian citizens may be lower since the

Embassy apparently does not keep records of those who die or depart Estonia. The Government reported that it had issued almost 97,000 residence permits to foreign nationals.

While some officials in the Russian Government and in the local Russian community continued to criticize the citizenship law as discriminatory, numerous international fact-finding organizations, including the Finnish Helsinki Committee and the OSCE, confirm that the Citizenship Law conforms to international standards.

Bureaucratic delays and the Estonian language requirement are also cited as disincentives for securing citizenship. The Government has established language training centers, but there is a lack of qualified teachers, financial resources, and training materials. Some allege that the examination process, which 75 to 90 percent pass, is arbitrary.

There are no legal impediments to women's participation in government or politics. However, women are underrepresented in government and politics. There are 11 women among the 101 members of Parliament. One of the presidential candidates was also a woman. The two female ministers continued in office after the March cabinet reshuffle. There are six ethnic Russian deputies in Parliament.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not restrict the formation or functioning of human rights organizations. In response to allegations of poor treatment of ethnic minorities, the President established a Human Rights Institute, which first convened in 1992. The purpose of the Institute is to monitor human rights in Estonia and to provide information to the international community. It investigates reports of human rights violations, such as allegations of police abuse and inhuman treatment of detainees. In September the Institute established an information center in the heavily ethnic Russian town of Kohtla-Järve. In addition because of tensions surrounding the adoption of the Elections Law and the Aliens Law in 1993, the President established a round table composed of representatives of Parliament, the Union of Estonian Nationalities, and the Russian speaking population's Representative Assembly. An analogous but independent round table meets in the county of East Virumaa. In addition with initial funding from the Danish government, a nongovernmental legal information center in Tallinn provides free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

In the context of repeated Russian allegations of human rights violations among the noncitizen population, both the OSCE mission in Estonia and the OSCE High Commissioner on National Minorities have declared that they could not find a pattern of human rights violations or abuses in Estonia. The Government moved to meet the last two of the 30 recommendations of the OSCE High Commissioner on National Minorities, by simplifying the civic knowledge portion of the naturalization process and approving draft legislation to grant automatic citizenship to children born to resident stateless persons (see Section 3.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, social status or for any other reason. The Government reports that no court cases charging discrimination have been filed.

Women

Violence against women, including spousal abuse, was the subject of increasing discussion and media coverage. According to women's groups and law enforcement officials, family violence is not pervasive. Rape and attempted rape occur relatively infrequently. In the first 9 months, there were 76 reported rapes and attempted rapes, compared with 94 for all of 1996. However, studies show that 40 percent of crime in Esto-

nia goes unreported, including domestic violence. Even when the police are called, the abused spouse often declines to press charges.

Discussion of the role and situation of women has been extensive, especially in the wake of the Fourth World Conference on Women held in Beijing in 1995, as well as former Social Affairs Minister Siiri Oviir's run for the presidency. Women possess the same legal rights as men and are legally entitled to equal pay for equal work. Nevertheless, although women's average educational level was higher than men's, their average pay was lower, and the trend did not seem to be improving. There continue to be female- and male-dominated professions. Most women carry major household responsibilities in addition to comprising slightly more than one-half of the work force.

Children

The Government's strong commitment to education is evidenced by the high priority it gives to building and refurbishing schools. The Government provides free medical care for children and subsidizes school meals. In 1992 the Government adopted a Law on Child Protection patterned after the U.N. Convention on the Rights of the Child.

There is no societal pattern of child abuse, but a 1995 research project conducted by the nongovernmental Estonian Union for Child Welfare on children and violence at home found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. A 1996 poll reports that 3 percent of surveyed children had been sexually molested, while the police registered 70 cases of sexual abuse for 1996. At an April conference the chief of juvenile police reported that only 20 to 30 percent of cases involving sexual abuse of children are reported. There continue to be reports of underage prostitution.

People With Disabilities

While the Constitution contains provisions to protect disabled persons against discrimination, and both the State and some private organizations provide them with financial assistance, little has been done to enable disabled people to participate normally in public life. There is no public access law, but some effort to accommodate the disabled is evident in the inclusion of ramps at curbs on new urban sidewalk construction. Public transportation firms have acquired some vehicles that are accessible to the disabled, as have some taxi companies.

National/Racial/Ethnic Minorities

The OSCE mission in Estonia, established in 1993, continued to promote stability, dialog, and understanding among communities in Estonia. In addition the President's Round Table, also established in 1993, which is composed of members of Parliament, representatives of the Union of Estonian Nationalities, and the Representative Assembly of the Russian Community, continued to work toward finding practical solutions to problems of noncitizens, as did the analogous but independent round table that met in the northeastern part of the country (see Section 4).

The Law on Cultural Autonomy for citizens belonging to minority groups was adopted by Parliament and went into effect in 1993. There is a tradition of protection for cultural autonomy going back to a 1925 law. Some noncitizens termed the law discriminatory, since it restricts cultural autonomy only to citizens. The Government replied that noncitizens can fully participate in ethnic organizations and that the law includes subsidies for cultural organizations.

Ethnic Russians total approximately 29 percent, and nonethnic Estonians as a whole some 37 percent, of the population of slightly less than 1.5 million. During the years of Estonia's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to

Estonia to work as laborers and administrators. They and their descendants now make up approximately one-third of the total population; about 40 percent of them were born in Estonia. About 8 percent of the population of the pre-1940 Republic was ethnic Russian.

Some noncitizens, especially Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. Russian government officials and parliamentarians echoed these charges in a variety of forums. The Government accepted a Russian Government proposal to establish a high-level commission to examine all aspects of bilateral relations. One of the sub-groups of the commission would examine the humanitarian aspects of the situation of the Russian minority in Estonia and possibly of the Estonian minority in Russia. The law makes no distinction on the basis of lack of citizenship concerning business or property ownership other than for land. A 1996 law on land ownership further liberalized land ownership by foreigners; such ownership is now restricted only in certain strategic areas. All legal residents of Estonia may participate equally in the privatization of state-owned housing.

Estonian language requirements for those employed in the civil service went into effect in 1993. The new Law on Public Service as originally passed required state employees to be proficient in Estonian by the end of 1995. In December 1995, Parliament amended the Law on Public Service to allow noncitizen local and national government employees without adequate Estonian to continue working until February 1, 1997. No noncitizens were to be hired after January 1, 1996. This amendment reflected the Government's awareness that in some sectors, the number of employees with inadequate Estonian remained high. In May, 3 policemen were dismissed for not knowing sufficient Estonian; earlier in the year, 11 policemen were dismissed for not filing for Estonian citizenship by the established deadline. Five prosecutors and two judges were dismissed for presenting forged certificates regarding their knowledge of Estonian; two have been restored to their positions; criminal charges against one judge were dropped. Three of the prosecutors found employment as police inspectors.

The language office liberally grants extensions to persons who can explain their failure to meet their requisite competence level in 4 years. Estonian language training is available but, some claim, too costly. Some Russian representatives have asked for free language training. They also charge that the language requirement for citizenship is too difficult, and there has been talk of making the language requirement less rigorous. The examination fee for either language test—for employment or citizenship—is 15 percent of the monthly minimum wage, although it is waived for the unemployed.

Legislation and a government decision provide that in districts where more than one-half of the population speak a language other than Estonian, the inhabitants are entitled to receive official information in that language. Moreover, the local government may conduct business in that language. In practice city governments of predominantly Russian speaking communities conduct most internal business in Russian.

All residents, whether or not they are citizens, can complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case and have decided in favor of complainants. All decisions are in Estonian but if a complaint is received in a language other than Estonian (usually Russian) the court provides a complimentary translation.

Section 6 Worker Rights

a.

The Right of Association

The Constitution provides for the right to form and join a union or employee association. The Central Organization of Estonian Trade Unions (EAKL) came into being as a wholly voluntary and purely Estonian organization in 1990 to replace the Estonian branch of the official Soviet labor confederation, the All-Union Central Council of Trade Unions (AUCCTU). The EAKL has 75,345 members. The reduced membership levels is due to the move from the large-scale industrialized units into smaller production units and the servi-

ces sector which diminished the traditional union base even while white-collar unions gained influence. Another trade union, The Organization of Employee Unions (TALO), split from the EAKL in 1993 and has 55,000 members. A central union of food processing and rural workers was established in June. About one-third of the country's labor force belongs to one of the three labor federations.

The right to strike is legal, and unions are independent of the Government and political parties. The Constitution and statutes prohibit retribution against strikers. There was a 1-day teachers' strike in May to support demands for higher wages. Approximately 2,000 teachers from 70 schools participated.

Unions may join federations freely and affiliate internationally.

b. The Right to Organize and Bargain Collectively

While Estonian workers now have the legally acquired right to bargain collectively, collective bargaining is still in its infancy. According to EAKL leaders, few collective bargaining agreements have been concluded between management and workers of a specific enterprise. The EAKL has, however, concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage. The EAKL was also involved with developing Estonia's new Labor Code covering employment contracts, vacation, and occupational safety. The Labor Code prohibits antiunion discrimination, and employees have the right to go to court to enforce their rights. In 1993 laws covering collective bargaining, collective dispute resolution, and shop stewards were enacted.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor although it does not specifically prohibit forced and bonded labor by children (see Section 6.d.). The Labor Inspections Office effectively enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution forbids forced labor for anyone. There were no reports of forced or bonded labor by children in enterprises; however, there were instances of families forcing their children to engage in peddling or begging. The Government ratified the U.N. Convention on the Rights of the Child which bans forced child labor. The statutory minimum for employment is 16 years of age. Minors 13 to 15 years of age may work with written permission of a parent or guardian and the local labor inspector, if working is not dangerous to the minor's health or considered immoral, does not interfere with studies, and if the type of work is included on a government-prepared list. Government authorities effectively enforce minimum age laws through inspections.

e. Acceptable Conditions of Work

The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage is \$60 (845 Estonian crowns). The minimum wage is not sufficient to

provide a worker and family with a decent standard of living. About 3 percent of the work force receive the minimum wage. The average monthly wage in the second quarter was about \$253.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period. According to EAKL sources, legal occupational health and safety standards are satisfactory, but they are extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective to date. In addition the labor unions have occupational health and safety experts who assist workers into bringing employers in compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment.

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ESTONIA

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