

# 2012 Country Reports on Human Rights Practices - Estonia

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## 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 that have a majority of seats in parliament. Parliamentary elections held in March 2011 were generally free and fair. Security forces reported to civilian authorities.

While there were no reports of widespread human rights abuses, there continued to be reports of trafficking, primarily of women for sexual exploitation and men and women for forced labor elsewhere in the EU. A large number of residents remained stateless, and the rate of naturalization remained low. Conditions in some detention centers remained poor.

Other human rights problems included allegations that police at times used excessive force when arresting suspects, domestic violence, the inequality of women's salaries as compared to those of men, and incidents of child abuse. Access to services for persons with disabilities was inadequate, especially in rural areas.

The government took steps to punish officials who committed abuses, and there were no reports of impunity.

## Section 1. Respect for the Integrity of the Person, Including Freedom from:

### a. Arbitrary or Unlawful Deprivation of Life

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

## **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, but there were reports that police used excessive physical force and verbal abuse during the arrest and questioning of some suspects. In 2011 authorities filed 17 criminal cases against police officers and seven against prison guards for excessive use of force.

### *Prison and Detention Center Conditions*

In the course of inspection visits to a number of 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. Among them were deficiencies in the availability of medical care and fire safety in several facilities. The continuing use of a Soviet-era 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 cases of insufficient access to legal documentation in prisons and detention centers and an inadequate number of telephones to contact family members.

*Physical Conditions:* On August 20, the country's prisons held 3,312 persons, including 2,567 convicted prisoners and 745 pretrial detainees. Combined, the prisons were designed to hold 3,535 inmates. Women made up 6.5 percent of prisoners. There were 45 detainees under the age of 18. The government made efforts to reduce the number of prisoners. In response to a 2007 report by the Council of Europe's Committee for the Prevention of Torture (CPT) that sharply criticized the government for the conditions in some prisons, officials stated that, among other measures, they had significantly increased the rate of conditional release of certain prisoners. During the year there were five prison deaths, all from natural causes. Prisoners and detainees had access to potable water.

*Administration:* There were a few reports that administrators at prisons and detention facilities did not keep adequate records. 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 inhumane 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.

*Monitoring:* The government generally permitted monitoring in accordance with its standard modalities by independent nongovernmental observers, including human rights groups, the media, and relevant international bodies. Monitoring occurred during the year. From May 30 to June 6, a CPT delegation visited the country and provided officials with a preliminary assessment of its findings.

*Improvements:* The government continued to improve conditions in prisons and detention centers, a process that, since the 2007 inspection, led to the opening of several new facilities and the closing of several older ones.

#### **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 Security Police Board, and the Tax and Customs Board, which have responsibility for law enforcement. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

##### *Arrest Procedures and Treatment While in Detention*

By law authorities must in most cases possess warrants issued by a court to make arrests. They must inform detainees promptly of the grounds for their arrest. There is a functioning bail system. Authorities may hold 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.

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

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

##### *Trial Procedures*

Defendants enjoy 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, cannot be compelled to testify or confess guilt, and have the right to appeal. Juries are not used. 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.

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

##### *Political Prisoners and Detainees*

There were no reports of political prisoners or detainees.

### *Civil Judicial Procedures and Remedies*

Individuals or organizations may seek civil remedies for human rights violations. However, some human rights activists expressed concern about a court ruling in November rejecting a citizen's defamation suit against the Security Police for making negative public assertions about her activities, even while acknowledging that such activities were legal. Yana Toom, a former deputy mayor of Tallinn, sued the Security Police over an article published in the 2011 police yearbook. The article stated that Toom, while not engaging in illegal activities, nevertheless "raised suspicions" by cooperating with the Human Rights Information Center. According to the yearbook, the center "takes active part in implementing the Russian compatriots policy in Estonia," and it pressured Russian-language schools in Tallinn to seek the city council's permission to continue teaching in Russian after the deadline for switching over to Estonian had passed. The court's ruling stated that the decision about the content of their yearbook was the Security Police's "value judgment." In December Toom appealed the court judgment to the district court. The deputy mayor of Tallinn, Mihhail Kolvart, brought a similar case. The courts had not ruled further on the two cases by year's end.

Citizens could appeal adverse judgments from domestic courts to the European Court of Human Rights (ECHR). The government complied with domestic and regional court decisions pertaining to human rights.

### *Regional Human Rights Court Decisions*

The ECHR delivered judgments on the merits in four cases regarding the country during the year and found at least one instance in each case where the country 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 the government generally respected 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*

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. The Internet was widely available, and the public used it regularly. According to data for 2010 published by the International Telecommunication Union, 67.8 percent of the population 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 freedom of assembly and association, and the government generally respected these rights.

#### *Freedom of Association*

The constitution provides for this right for citizens, and the government generally respected it. The law specifies that only citizens may join political parties, but the 6.8 percent of the population who are noncitizens are free to join other civil groups.

### **c. Freedom of Religion**

See the Department of State's [\*International Religious Freedom Report\*](#).

### **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 asylum seekers were poorly informed about their rights. Additionally, access to public services for asylum seekers and those granted international protection was poor and irregular. The EHRC provided legal 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 applicants from a "safe" country of origin or transit. The UNHCR has 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. However, authorities asserted that they grant interviews to all individual asylum seekers.

*Temporary Protection:* The government provided temporary protection to individuals who may not qualify as refugees and granted it to five individuals during the year.

#### *Stateless Persons*

Citizenship derives primarily from one's parents; it is automatic if either parent is Estonian. Children born in the country after 1992, who are younger than 15, and whose parents are stateless residents who have lived in the country for five years are eligible to acquire citizenship by naturalization at their parents' request.

As of July 1, according to government statistics, 93,006 persons, or 6.8 percent of the population, were of undetermined citizenship – de facto stateless. The UNHCR had reported that in January the number of stateless persons was 97,749. Nearly all were ethnic Russians, Ukrainians, Belarusians, or others who became stateless upon the demise of the Soviet Union. In 2010, according to the NGO Estonian Cooperation Assembly, 24 percent of the country's ethnic minorities were of undetermined citizenship or stateless, 50 percent were citizens of Estonia, 23 percent were Russian citizens, and 3 percent declared themselves citizens of another state. According to the UNHCR, 1,155 persons acquired Estonian citizenship by naturalization in the first nine months of the year, a slight increase over the same period in 2011. Overall, however, the rate of naturalization tended to decline.

Nearly all stateless persons were long-term residents; they could vote in local, but not parliamentary, elections. There are statutory procedures that offer opportunities for obtaining citizenship, but some human rights observers regarded them as inadequate. Individuals of undetermined citizenship were eligible to apply for naturalization but must pass language and civics tests. In 2010, 54 percent of those taking the test to acquire citizenship passed. Authorities adopted policies, such as funding civics and language courses and simplifying the naturalization process for persons with disabilities, to facilitate acquisition of citizenship.

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

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

#### **Elections and Political Participation**

*Recent Elections:* In March 2011 the country held parliamentary elections that the observer mission of the Organization for Security and Cooperation in Europe (OSCE) considered free and fair.

*Political Parties:* Political parties could operate without restriction or outside interference. However, the law prohibits noncitizen residents from organizing or joining political parties.

*Participation of Women and Minorities:* There were 20 women in the 101-seat parliament. The speaker and deputy speaker of the parliament were women. There was one female minister in the 13-member cabinet. Noncitizens who are long-term residents may vote in local elections but cannot vote in national elections or hold office. Ten members of ethnic minorities served in the parliament.

### **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 several reports of government corruption during the year. On April 26, Harju County Court convicted former security police officer Indrek Poder of using his official position to request and accept bribes on multiple occasions from 2009 to 2011. The court sentenced him to four years in prison. Other individuals involved in the case received suspended sentences. Poder also had to turn over illegally earned funds, 178,358 euros (\$235,433), to the state. All public officials are subject to financial disclosure laws. A designated office has responsibility for monitoring and verifying disclosures. The declarations of high-level officials were available to the public. There are criminal and administrative sanctions for noncompliance. 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.

On June 6, the parliament adopted a new anticorruption law that established an electronic register in which all public officials must declare their interests. The records of high-level government officials generally become public. As a new policy, officials must declare noneconomic interests, such as favors or gifts valued at more than a certain amount. They must also declare joint proprietorships and liabilities. The law also regulates public servants' outside employment.

The Police and Border Guard Board and the Security Police Board investigate corruption cases; the prosecutor's offices lead these investigations and prosecute the cases in court. In 2011 police officers and border guards accounted for the largest number of cases of abuse of office (47), many of them involving corruption. Authorities also filed 35 cases involving municipal employees and 22 against employees of ministries or their agencies. In 2011 the courts convicted 46 individuals and three legal entities of such crimes. They sentenced 40 individuals to prison and fined nine.

The law provides for public access to government information, and authorities implemented the law effectively. The government provided such access in practice.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

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

*Government Human Rights Bodies:* The legal chancellor, an independent official with a staff of more than 40 persons, 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, and 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 constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced the prohibitions. Violence against women and child abuse were problems. Measures to ensure access to services by persons with disabilities were inadequate, especially in rural areas, and progress in naturalizing the country's large population of stateless persons continued to be slow.

## **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 up to 15 years' imprisonment. In 2011 police reported 91 rapes. This number included cases where victims were minors and represented 29 percent of all sexual crimes. Authorities prosecuted rape cases; in 2011 the courts convicted 17 individuals of rape and acquitted four.

According to NGOs and shelter managers, violence against women, including domestic violence, was a problem. Physical abuse (the law does not differentiate by gender) is punishable by a fine or imprisonment of up to three years or up to five years in instances of longstanding and unremitting violence. Police statistics for 2011 recorded 4,785 cases of physical abuse, including domestic violence and physical abuse of minors. There were 70 cases of longstanding and unremitting violence. Domestic violence accounted for 31 percent of all physical abuse cases. Physical abuse accounted for 65 percent of all violent crimes in the country. In 2011 courts convicted 1,187 individuals of physical abuse. The number of physical abuse cases reported in 2011 was 11 percent higher than in 2010, while the number of reported rapes increased 12 percent. Victims of domestic violence may obtain help, including counseling and legal assistance, from social workers employed by local governments and from specialized NGOs. During the year the government promoted awareness-raising campaigns against domestic violence and engaged in other efforts to prevent it. There was a network of shelters for all types of victims of gender-based violence, including women and children, and hotlines for domestic violence and child abuse. Police officers, border guards, and social workers receive training organized by NGOs, the Ministry of Social Affairs, and the Ministry of Interior.

*Sexual Harassment:* The law prohibits sexual harassment, but there were reports of some cases of sexual harassment in the workplace. According to the 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 2009, 4.4 percent of women participating in a government survey stated they had experienced sexual harassment.

*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. Health clinics and local health NGOs operated freely in disseminating information on family planning. There are no restrictions on access to contraceptives. The incidence of maternal mortality 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:* During the first six months of the year, the gender equality and equal treatment commissioner received 10 complaints of discrimination on the basis of gender. Women submitted five, men submitted three, and an institution submitted two. The commissioner determined that five complaints had merit. In 2011 the Labor Dispute Committee processed 10 complaints involving unequal treatment. The committee delivered six partial judgments regarding these complaints and two full judgments on behalf of the complainant. The legal chancellor received 42 complaints relating to gender-based discrimination, of which he determined that 10 may have merit. Although women have the same rights as men under the law and are entitled to equal pay for equal work, these rights did not always apply in practice. While women on average achieved a higher level of education than men, their average pay continued to be generally lower. In 2011 the average earnings of women 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 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 country's large population of stateless persons are automatically stateless unless a long-term-resident parent applies to obtain citizenship for the child before the child reaches the age of 15. Births were registered in a timely manner.

*Child Abuse:* Child abuse continued to be a problem. In 2011 police reported 233 cases of sexual abuse of minors. In the same year, courts convicted 56 individuals of sexually assaulting minors. The Police and Border Guard Board worked to combat child abuse, including sexual abuse. The legal chancellor acts as the children's ombudsman.

*Child Marriage:* The legal minimum age for marriage is 18. Five girls younger than the minimum, two of them aged 16 and three aged 17, married during the year.

*Sexual Exploitation of Children:* The minimum age for consensual sex is 14. The law prohibits child pornography, and punishment ranges from a fine to three years in prison. Authorities enforced the laws; in 2011 they registered 64 cases of child pornography, representing 18 percent of all sexual offenses against minors.

*International Child Abductions:* The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

The Jewish community was estimated at approximately 2,500 persons.

On July 28, a ceremony was held outside the northeast village of Sinimae to honor veterans of the 20th Estonian Waffen SS Grenadier Division and commemorate the World War II battle of the

Tannenberg line. No national government officials participated in the ceremony, but military chaplains laid wreaths at monuments for soldiers from both sides who died in battles nearby. A woman was photographed at the event wearing swastika jewelry, and some Waffen SS unit symbols and insignia were displayed. The minister of foreign affairs and minister of defense stated that the event was not a celebration of Nazism. Both stressed that anti-Semitic values had no place in the country's society.

On August 25, a company ran an Internet advertisement that incorporated images of the gate to Buchenwald concentration camp. Following adverse reaction, the company removed the advertisement. On September 6, a local daily newspaper published a mock advertisement on its joke page promoting diet pills that pictured Holocaust victims. Foreign Minister Urmas Paet publicly characterized both advertisements as out of touch with the country's values.

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\*](#).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and transportation (although it does not mention air transportation explicitly). The government generally enforced these provisions. Additionally, the state provides access to information services and makes individual assistants available to persons with disabilities when necessary. The law does not mandate access to buildings for persons with disabilities; few older buildings were accessible, although new or renovated buildings generally were. According to the legal chancellor, measures to extend fundamental rights to 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 Tallinn, persons in some rural areas had difficulty receiving appropriate care.

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 caused by a person's disability.

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

Knowledge of the Estonian language 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 through referrals to language classes and 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. Many Russian speakers believed they would face job discrimination even if they possessed adequate Estonian. However, some employers reported a preference for employees fluent in both languages, regardless of ethnicity.

The government continued to implement its plan requiring that the country's 58 "Russian-speaking" high schools conduct 60 percent of their instruction in the Estonian language. Many schools implemented this transition more rapidly than required. However, some in the Russian-speaking community challenged the plan for expanded Estonian-language education, and throughout the year negotiations continued between civil society groups, students and their parents, and the government.

During a 2011 visit, the high commissioner for national minorities of the OSCE expressed concern that the transition to partial Estonian-language instruction for non-Estonian speakers could affect the quality of education. He also criticized the use of fines and inspections to encourage the use of the Estonian language by certain categories of employees, including teachers and government officials.

Roma, who numbered fewer than 1,000, 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. Unlike in earlier years, there were no reports that school authorities inappropriately placed Romani children in schools for children with disabilities. The school system registered 19 students as Roma in 2011, but the Ministry of Education and Research estimated that there were approximately 90 additional students of Romani ancestry who identified themselves as Estonian or Russian speakers.

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

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

The law prohibits discrimination on the basis of 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, in practice all were understood to be included. However, some activists expressed concern with what they described as authorities' unwillingness to aggressively prosecute possible misdemeanors under penal code provisions involving incitement to hatred.

According to lesbian, gay, bisexual, and transgender (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 strongly 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 because persons have been physically and verbally assaulted for doing so. These organizations also complained that there was a lack of data on the issues faced by LGBT persons and that there was little effort by the government to fund studies on these issues.

During the year the gender equality and equal treatment commissioner received seven claims of discrimination based on sexual orientation; none were found to have merit. This number has grown annually for the last three years.

### **Other Societal Violence or Discrimination**

There were no reports of societal violence or discrimination against persons with HIV/AIDS. NGOs worked with the Ministry of Social Affairs throughout the year on programs to reduce the social stigma associated with the disease.

## **Section 7. Worker Rights**

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

The law, related regulations, and statutory instruments are intended to protect the right of workers to form and join independent unions of their choice without previous authorization or excessive requirements. The law gives most workers, excepting public servants at the state and municipal levels, the right to strike; there is a procedure enabling public servants to negotiate directly with their employers. The law provides for collective bargaining and collective dispute resolution. It 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 any employee because of union membership, but it does not address the issue of reinstatement if an employee is dismissed for this reason. Employees who face discrimination may seek redress through the Labor Inspectorate, the courts, the Office of Gender Equality and Equal Treatment Commissioner, or the Office of the Legal Chancellor.

Some workers found it difficult to exercise their trade union rights in practice. The Confederation of Estonian Trade Unions reported frequent violations of trade union rights in the private sector during the year and stated that antiunion behavior was widespread and labor inspectorates did not efficiently enforce the laws against such behavior. 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. Collective bargaining was freely practiced.

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

The law prohibits forced or compulsory labor, and the government effectively enforced the law. Nevertheless, NGOs reported instances of labor trafficking within the country and trafficking of Estonians to other countries. Government agencies collaborated regularly with NGOs and participated in training to enable law enforcement officials to identify and prevent trafficking more

effectively. Authorities did not conduct any large-scale antitrafficking awareness campaigns focused on labor trafficking during the year.

Also see the Department of State's [\*Trafficking in Persons Report\*](#).

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

The national monthly minimum wage was 290 euros (\$383), an increase of 4 percent over 2011. The relative poverty line was 286 euros (\$378).

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 Gender Equality Act requires that employers provide equal pay for equal work; however, employees did not always observe this requirement in practice.

The government sets occupational health and safety standards. The Labor Inspectorate, Health Protection Inspectorate, and Technical Inspectorate were responsible for enforcing them and made efforts to do so. In 2011 the Labor Inspectorate inspected work conditions for minors in 35 enterprises. In 16 instances the work conditions did not comply with the standards set by law. There were 70 labor inspectors, and there were no reports that resources were inadequate.

In 2011 there were 3,741 occupational accidents, a ratio of 614.2 occupational accidents per 100,000 employees.