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Estonia

Country Reports on Human Rights Practices - 2001
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Estonia is a parliamentary democracy. The Constitution established a 101-member unicameral legislature (State Assembly), a prime minister as Head of Government, and a president as Head of State. The Government respects the constitutional provisions for an independent judiciary in practice.

Police leadership continued to work to develop, strengthen, and professionalize the police 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—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 and a population of approximately 1.4 million. Services, especially financial, transit, and tourism, grew in importance compared to the historically more prominent light industry and food production. The privatization of firms, including small, medium, and large-scale enterprises, is virtually complete. The Government continued to work on privatizing the remaining state-owned infrastructure enterprises. Economic growth increased after a slowdown due to the 1998 Russian financial collapse: experts predicted gross domestic product (GDP) growth of 5 percent during the year. Per capita GDP was \$3,571. Unemployment was 14 percent but was significantly higher in rural areas and in the northeast.

The Government generally respected the human rights of its citizens and the large ethnic Russian noncitizen community; however, problems remained in some areas. Police continued to mistreat prisoners and detainees and use excessive force. Prison conditions remained poor, although there were some improvements. Some officials in the United Nations, the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship and Aliens' Law as discriminatory for its Estonian language requirements. Violence against women was a problem, and there were reports that women were trafficked for prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

One prisoner was killed by another during the year (see Section 1.c.).

In March a journalist was shot and killed in a dispute over media shares (see Section 2.a.).

In 1998 President Lennart Meri created an international commission for research into crimes against humanity perpetrated in the country from 1940-91, and it began work in 1999. In May the Commission issued its first report covering the years of Nazi occupation, 1941-44. This report, which was praised for its objectivity, concluded that certain events that occurred during the German occupation are "at least prima facie evidence that genocide, crimes against humanity, and war crimes were committed by, or with the active assistance of, Estonians on or outside Estonian territory."

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, police continued to use excessive force and verbal abuse during the arrest and questioning of suspects. Two police officers were found guilty in October and two more in December of using excessive force. Their convictions were under appeal at year's end. Unlike in previous

years, punishment cells ("karsters") were no longer used.

Prison conditions remained poor, although there were some improvements. By midyear the prison population was 4,823 inmates, the highest it had ever been. Overcrowding was reported in every major prison except one. A lack of funds and trained staff continued to be serious problems. The percentage of prisoners suffering from tuberculosis was much higher than in the general population. The Government refurbished some prison buildings during the year. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners increased slightly since the Government implemented new programs in 2000. During the year, 415 prisoners were released under the Government's early release program. One prisoner was killed by another during the year.

Men and women are housed separately, and conditions are the same for both. Juveniles also are housed in separate penal facilities. Pretrial detainees and convicted prisoners are held in the same prisons, but in different sections.

The Government continued to implement a multiyear plan to refurbish and restructure all of the country's prisons. In February authorities opened a new minimum-security institution in Rummu that can house 40 inmates. Construction of a new prison in Tartu with a capacity of 500 inmates continued.

The Government permits prison visits by independent human rights monitors; however, the last such visit occurred in 1999.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and laws prohibit arbitrary arrest and detention, and the Government generally observes these prohibitions. 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. A person may be held for 48 hours without formally being charged; further detention requires a court order. Police rarely violated these limits. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order. Lengthy pretrial detention is not a problem: the average time of detention is 3 1/2 months. By December 1, 1,298 of the 4,759 prisoners were awaiting trial. There is a functioning bail system.

The Constitution prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision 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 then are appointed by the President. Judges are appointed for life.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. It also provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the 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. If a person cannot afford counsel, the State will provide one.

There were no reports of political prisoners.

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

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. The law requires a search warrant for the search and seizure of property. During the investigative stage, the prosecutor issues warrants upon a showing of probable cause. Once a case has gone to court, the court issues warrants. The Constitution provides for the privacy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept communications. Illegally obtained evidence is not admissible in court.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. The Law on Language prohibits the use of any foreign language on public signs,

advertisements, and notices, including election posters.

Four major national Estonian-language and two Russian-language daily newspapers are published, in addition to important weeklies. These publications are independent and not subject to government influence. Foreign newspapers and magazines are available widely. All newsprint, printing, and distribution facilities are private companies.

In March a publisher of the leading Russian daily, *Estonia*, was shot to death in Tallinn. The police arrested two foreign contract killers for allegedly committing the crime, but they were released after questioning, and no one was charged by year's end. Officials attributed the crime to a dispute over the deceased's shares in the media outlet.

In February the European Court of Human Rights upheld the Estonian courts' 1997 decision to convict and fine a prominent journalist for insulting the spouse of a prominent politician in a newspaper interview. A 2000 administrative court decision to fine a local television newsperson for using insulting words on the air against a local writer was under appeal at year's end.

State (public) broadcast media, including one nationwide television channel (Estonian Television—ETV), continued to receive large government subsidies. ETV also broadcasts commercials. Although a decision was made in 2000 to combine ETV and Estonian (state/public) Radio into one entity, no real movement toward that end has taken place. The director general of ETV came under fire for not being willing to cooperate with the station's labor union (see Section 6).

There are several major independent television and radio stations. Several Russian-language programs, mostly produced in Estonia, are broadcast over state and private or commercial television channels. The Government has played a large role in encouraging Russian-language programs on state television. However, the ability of ETV's Russian-language department to create self-produced, high-quality programs was reduced greatly due to the Government's large cuts in the department's budget. Russian state television and Russian commercial channels are available widely via cable.

Internet access is available and generally unrestricted.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice. Permits for all public gatherings must be obtained 3 weeks in advance. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom do so. There were no reports of government interference in mass gatherings or political rallies during the year. Noncitizens are prohibited from joining political parties, although they may form social groups.

c. Freedom of Religion

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

The law 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 the country.

Since 1993 a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure have attempted to register under names similar to the registered Estonian Apostolic Orthodox Church (EAOC), which is independent. For example, in January representatives of the Moscow Patriarchate submitted an official church registration application under the name of the "Estonian Orthodox Church of the Moscow Patriarchate" to the Ministry of Interior Affairs (MIA). In May the MIA declined to approve the application, explaining that it could not formally register this church under its desired name, since it would be confused too easily with the EAOC. The unregistered status of the church made negotiations on and the settlement of the issue of the ownership of the Aleksander Nevski Cathedral, a prominent and valuable Tallinn landmark, problematic. The Cathedral is owned by the city of Tallinn and rented out to its Russian Orthodox congregation on a several decades lease. The Moscow Patriarchate announced in July that it would take the issue to the courts, which precipitated an exchange of letters between Prime Minister Laar and Patriarch Alexei of the Moscow Church. The Patriarch, in his response, thanked the Prime Minister for his offer to register the church with the name suggested by the Moscow Patriarchate and also asked that the church be able to include canonical documents with its registration papers. The Russian Orthodox congregation meantime asked for two postponements of the court hearing in the hope that the issue could be settled out of court.

On June 13 Parliament adopted a revised law on churches and congregations that contained a provision barring the registry of any church or union of congregations whose permanent or temporary administrative or economic management is performed by a leader or institution situated outside the country. Both the Orthodox Church, Moscow Patriarchate, and the Estonian Council of Churches expressed concern that such wording could prevent the registry of churches and congregations that traditionally were active in the country. On June 29, President Lennaert Meri refused to promulgate the law, declaring, in part, that it constituted an intrusion into the sphere of autonomy of religious institutions.

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

The law provides for these rights, and the Government generally respects them in practice. Passports serve as identification but do not have to be carried at all times. There are no exit visas.

The Government does not restrict the right of noncitizen residents—persons who are citizens of another country or stateless persons—to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The majority of noncitizens are ethnic Russians (see Section 5). In 1994 the Government began issuing alien passports, which are issued to resident aliens not in possession of other valid travel documents. Such aliens included: Persons who are designated as stateless; foreign citizens who cannot obtain travel documents from their country of origin or from another state; persons who file for Estonian citizenship and pass the language examination if required (pending receipt of citizenship); and aliens who are departing Estonia permanently. The Government has approved the issuance of alien passports to noncitizens intending to study abroad and has agreed to issue them to former military personnel who cannot or do not want to assume Russian citizenship.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. In 1999 the State Assembly passed amendments to domestic refugee law that delegated authority from the Government to the Citizenship and Migration Board, clarified the refusal of refugee status, introduced an accelerated procedure for those in the country in addition to the already existing procedure at the border, and established a state registry for asylum. In addition temporary residence permits may be granted to persons whose applications for a residence permit are based on an international agreement.

In the past, the Government granted first asylum, but it denied first asylum to all 9 applicants during the year. The accelerated program began as scheduled in 1999 and, as of December 1, 56 persons had applied for asylum, of whom 17 were still waiting for a reply. Of the applicants processed, 4 were granted asylum, 5 were granted temporary residence permits for humanitarian reasons, 17 left the country, and 1 died in 2000. The Citizenship and Migration Board turned down the remaining applications on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention.

The Government deported a relatively small number of illegal aliens during the year, usually those caught in criminal acts. A total of 11 illegal aliens were held as internees by December, pending deportation or a court order granting them residence. In June 2000, a new building to house illegal aliens and asylum seekers was opened in the village of Illuka in East Viru County.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic, free, and fair elections held on the basis of universal suffrage. Indirect presidential elections were held in August and September. When the State Assembly failed to muster the required two-thirds majority to elect the President, an electoral assembly consisting of members of the State Assembly and representatives of local governments convened and elected Arnold Ruutel President. In March 1999, free and fair elections to the State Assembly were held. The Government elected in 1999 is a coalition of the Pro Patria, Moderate, and Reform Parties.

Only citizens can vote in parliamentary elections and be members of political parties. However, according to law, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election can vote but are not permitted to run for office in local elections. Approximately 1.1 million of the total population of 1.43 million are citizens, of whom approximately 116,000 received their citizenship through the naturalization process. Holders of permanent or temporary residence permits number approximately 300,000, 80 percent of whom are ethnic Russians (see Section 5). Illegal residents number approximately 30,000 and mostly are ethnic Russians; they are not included in the census figures.

The percentage of women in government or politics does not correspond to their percentage of the population, although there are no legal impediments to their participation in government or politics. Among the 101 Members of Parliament are 18 women. Two ministers are women.

The percentage of ethnic minorities in government or politics does not correspond to their percentage of the population. There were six ethnic Russian deputies in the State Assembly (6 percent of the deputies); ethnic Russians make up 31 percent of the population. The law was amended in 1999 to place language requirements on Members of Parliament; Russian speakers protested.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are usually cooperative and responsive to their views. The Legal Information Center for Human Rights, a local NGO, issued a report in November on the human rights situation in Estonia, which the Government criticized as lacking objectivity. A nongovernmental legal information center in Tallinn provides free legal assistance to

individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

The OSCE mission to Estonia, which was established in 1993, closed on December 31 following the OSCE Chairman-in-Office's announcement earlier in the month that Estonia was in full compliance with the recommendations the Chairman-in-Office had issued the previous year for closing the mission.

The Government's Human Rights Institute monitors human rights and provides information to the international community. It investigates reports of human rights violations, such as allegations of police abuse and the inhuman treatment of detainees. The Institute operates an information center in the heavily ethnic Russian town of Kohtla-Järve.

Because of tensions surrounding the adoption of the Elections Law and the Aliens Law in 1993, the President established a roundtable composed of representatives of the State Assembly, the Union of Estonian Nationalities, and the Russian-speaking population's Representative Assembly. An analogous but independent roundtable meets in the county of East Virumaa. These roundtables discuss and make recommendations on social integration issues.

The role of the Chancellor of Justice and the ombudsman were combined under legislation passed by the State Assembly in 1999. The State Assembly rejected a proposal for an independent ombudsman. The chancellor-ombudsman handles complaints by private citizens against state institutions; in June the chancellor opened a branch office in the heavily ethnic Russian northeastern town of Narva as recommended by the OSCE.

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

The Constitution prohibits discrimination for any reason; however, reports continued of discrimination against ethnic Russian residents.

Women

Violence against women, including spousal abuse, reportedly is common and continued to be the subject of increasing discussion and media coverage. Neither domestic violence nor marital rape are criminalized, although they can be prosecuted under existing law. Rape and attempted rape occur relatively infrequently. In the first 11 months of the year, there were reports of 43 rapes and 10 attempted rapes, compared with 54 rapes and 19 attempted rapes for all of 2000. However, studies show that 40 percent of crime goes unreported, including domestic violence. Even when the police are called, the abused spouse often declines to press charges, due to societal pressure.

There were reports that women were trafficked for prostitution (see Section 6).

Sexual harassment exists but is not reported officially. Although women have the same legal rights as men under the law and are entitled in theory to equal pay for equal work, this was not the case in practice. While women's average educational level was higher than that of men, their average pay in general was lower, and there continued to be female- and male-dominated professions. Women constitute slightly more than half of the work force: they also carry most major household responsibilities.

Both the Center of Women Citizens and a roundtable of women's organizations were established in 1998.

Children

The Government is strongly committed to education; it gives a high priority to building and refurbishing schools. The mandatory education period is 9 years. Education is free. School is attended by 97 percent of those eligible, and attendance is in proportion to the breakdown by gender in the population. The Government provides free medical care for children and subsidizes school meals.

There is no societal pattern of child abuse; however, studies, including one published by the local U.N. Development Program office during 2000, found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first 11 months of the year, police registered 26 cases of sexual abuse involving 22 female victims and 4 male victims, all below age 16. In the same period, there were 44 cases of procurement for prostitution of victims younger than 18 years. In 4 rape cases, the victim was younger than age 14.

There were reports that families forced their children into begging (see Section 6.d.).

Persons with Disabilities

While the Constitution provides for the protection of persons with disabilities against discrimination, and both the Government and some private organizations provide them with financial assistance, little has been done to enable persons with disabilities to participate normally in public life. There is no public access law, but some effort has been made to accommodate persons with disabilities; for example, ramps were installed at curbs on new sidewalk construction, and public transportation firms have acquired some vehicles that are accessible, as have some taxi companies. The law allows for persons with serious sight, hearing, or speech impediments to become naturalized citizens without having to pass an examination on the Estonian Constitution and language.

Religious Minorities

The majority of citizens are nominally Lutheran, but relations between the various religious communities generally are amicable. Tension between the ethnic Estonian and ethnic Russian populations generally does not extend to religious matters; however, the hierarchical dispute and legal conflict over church property does result in some resentment on the part of Christian Orthodox believers belonging to the Moscow Patriarchate (see Section 2.c.).

National/Racial/Ethnic Minorities

Ethnic Russians make up approximately 31 percent of the population, and nonethnic Estonians total approximately 37 percent. During the years of the country'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. These immigrants and their descendants make up approximately one-third of the total population; about 40 percent of these persons were born in Estonia.

The Law on Cultural Autonomy provides for the protection of cultures of citizens belonging to minority groups. Some noncitizens have termed the law discriminatory, since it restricts cultural autonomy only to citizens. The Government has replied that noncitizens can participate fully in ethnic organizations and that the law includes subsidies for cultural organizations.

In districts where more than one-half of the population speak a language other than Estonian, the inhabitants are entitled by law to receive official information in that language.

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. All decisions are in Estonian, but if a complaint is received in a language other than Estonian (usually Russian), the court provides a translation.

Some noncitizen residents, especially ethnic Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. The Citizenship Law provides that the residency requirement for naturalization is 5 years and requires knowledge of the Constitution and the Citizenship Law, as well as Estonian language capability. Persons who were legal residents in the country 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 and civic knowledge requirements for applicants who have Estonian-language elementary or higher education, or who have performed valuable service to Estonia. In 1998 the Citizenship Law was amended to grant citizenship to stateless children born to legally resident stateless parents after February 26, 1992 (upon the parents' or guardians' application). As of December 1, parents had applied for citizenship for 1,276 such children: 1,153 of the applications were approved.

While the OSCE and some other international organizations such as the Finnish Helsinki Committee have found the citizenship law to be satisfactory, some officials in the U.N., the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements.

By 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 convicted of felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. The latter category includes spouses who came 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. During the year, 2,805 persons received citizenship by naturalization. A total of 215,903 persons held permanent residence permits; 53,928 held temporary residence permits. Bureaucratic delays also were cited as disincentives for securing citizenship.

Despite repeated Russian Government allegations of human rights violations against the noncitizen population, both the then-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 1998 the Government accepted a Russian Government proposal to establish a high-level commission to examine all aspects of bilateral relations, including a subgroup that would examine the humanitarian aspects of the Russian minority in Estonia and possibly of the Estonian minority in Russia. However, by year's end, there had yet to be a formal session of the commission.

In 1999 the Government dropped the immigration quota on the issuance of residence permits to those noncitizens who settled in the country prior to July 1, 1990, and who did not depart the country subsequently. In April 2000, the State Assembly approved an amendment to the law on aliens, which provided that the annual immigration quota will not be applied to non-Estonian spouses of Estonian citizens if the spouses have a common child up to 15 years of age or if the female spouse is more than 12 weeks pregnant. In addition the amendment provides that the quota will not apply to children up to 15 years of age if the parents are applying for a residence permit.

Other than for land ownership, the law does not distinguish between citizens and noncitizens for purposes of business or property ownership, and land ownership by foreigners is restricted only in certain strategic areas. All legal residents of Estonia may participate equally in the privatization of state-owned housing.

The Law on Language requires that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors be able to use the Estonian language. While the Government is to establish regulations pertaining to and describing the level of proficiency, the actual proficiency is to be determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. In January 17 ethnic Russian prison officials were fired for noncompliance with the language requirement.

In 2000 the State Assembly approved amendments to the Language Law that brought it into conformity with European Union (EU) recommendations regarding language requirements for persons working in the private sector. After additional consultations with the European Union and the OSCE Commissioner for National Minorities, the Government issued the implementation decree for the amended law on May 15. For employees of private enterprises, nonprofit organizations, and foundations, as well as sole proprietors, the amended law established a requirement of proficiency in the Estonian language if it was in the public interest.

The language office liberally grants extensions to persons who can explain their failure to meet the requisite competence level. The Government established language-training centers, but they lack qualified teachers, financial resources, and training materials. Some allege that the examination process, which 75 to 90 percent of persons pass, is arbitrary.

Some ethnic Russian representatives have asked for free language training. 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. An EU program reimburses language training costs for those who pass the examination.

The President's Roundtable continued to work toward finding practical solutions to the problems of noncitizens. The Government continued with the implementation of an integration program instituted in 2000 for the years 2000-07 aimed at fostering the integration of the non-Estonian-speaking population into Estonian society. In addition at least 10 NGO's develop and implement local programs to assist the integration of non-Estonians into society.

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 largest trade union is the Central Organization of Estonian Trade Unions (EAKL): it is wholly voluntary and has 58,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL and has approximately 40,000 members. A third central union represents food processing and rural workers. Approximately one-third of the country's labor force belongs to one of the three labor federations. Unions are independent of the Government and political parties.

The ICFTU's 2000 "Annual Survey of Violations of Trade Union Rights" states that the registration requirements for trade unions, set out in the 1996 Non-Profit Associations Act, are "overly detailed" and "limited their right to decide upon the functioning of their decision-making bodies, stipulated procedures in respect to the establishment, merger, and separation of trade unions, federations and confederations, and gave the authorities the power to liquidate trade unions." A new trade union law, which was drafted in cooperation with EAKL and adopted in 2000, eliminated many of the problems.

The right to strike is legal, and the Constitution and statutes prohibit retribution against strikers. No strikes took place during the year.

Unions may join federations freely and affiliate internationally.

b. The Right to Organize and Bargain Collectively

While workers have the legally acquired right to bargain collectively, collective bargaining has not developed fully. According to EAKL leaders, few collective bargaining agreements have been concluded between the management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage. The EAKL also was involved with developing the Labor Code, which covers employment contracts, vacation, and occupational safety. The director general of ETV came under fire for not being willing to cooperate with the station's labor union (see Section 2.a.). Employees threatened to strike if communication between management and staff did not improve.

The Labor Code prohibits antiunion discrimination, and employees may go to court to enforce their rights. The law provides for collective bargaining, collective dispute resolution, and shop stewards.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, there were reports that women were trafficked

for prostitution (see Section 6.f.).

The Constitution does not specifically prohibit forced and bonded labor by children, and there were reports that families forced children into begging (see Section 6.d.).

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

The statutory minimum age for employment is 16 years. Minors 13 to 15 years of age may work provided that they have the written permission of a parent or guardian and the local labor inspector. The work may not endanger the minor's health or be considered immoral, cannot interfere with education, and must be included on a government-approved list. Government authorities effectively enforce minimum age laws through inspections.

In June the Government ratified ILO Convention 182 on the worst forms of child labor.

The Constitution does not specifically prohibit forced and bonded labor by children, and, while there were no reports of forced or bonded labor by children in enterprises, there were instances in which families forced their children to engage in peddling or begging.

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 \$93 (EEK 1,600). The minimum wage is not sufficient to provide a decent standard of living for a worker and family. The minimum wage is received by 5 to 6 percent of the workforce. The average monthly wage in the second quarter was approximately \$296 (EEK 5,300).

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week. According to EAKL sources, legal occupational health and safety standards are satisfactory in theory; however, 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. The labor unions also have occupational health and safety experts who assist workers to bring employers into compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, while there were no official reports during the year that persons were trafficked, to, from, or within the country, it is generally believed that Estonian women were trafficked to Central Europe for prostitution. Destination countries are thought to include Finland, Sweden, Poland, and Germany. Reportedly job advertisements placed from abroad that request women are in some cases associated with international prostitution rings.

Despite the absence of laws specifically criminalizing trafficking, existing laws regarding kidnaping, extortion, and involuntary prostitution are used to address the problem. There were no arrests or prosecutions of traffickers during the year.

In 2000 the Government concluded several interstate cooperation agreements concerning fighting crime including trafficking in persons. It also concluded several bilateral agreements on the extradition of Estonian citizens accused of trafficking in other countries.

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