

ESTONIA 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Estonia is a multiparty, constitutional democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. The prime minister and cabinet generally represent the party or coalition of parties with a majority of seats in the parliament. The most recent parliamentary elections took place in March 2015, with a coalition government taking office the following month. Prime Minister Taavi Roivas led the government composed of three parties: Reform, Social Democrats, and Pro Patria and Res Publica Union. Observers considered the elections free and fair. Prime Minister Taavi Roivas resigned in November following a no-confidence vote. A new Center Party-led coalition government took office November 23, joined by the Social Democrat Party and Pro Patria and Res Publica Union, with Center Party Chair Juri Ratas as prime minister.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

Human rights problems reported during the year included a few allegations of excessive use of police force during arrests, poor conditions in some detention centers, and the situation facing a large number of noncitizen residents whose rate of naturalization remained low. Other problems included: domestic violence; salary inequality between women and men; incidents of child abuse; trafficking, primarily of women for sexual exploitation and of both men and women for forced labor elsewhere in the EU; inadequate access to public services by persons with disabilities, especially in rural areas; and harassment and discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, which reportedly remained routine within society.

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

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

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

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

b. Disappearance

There were no reports of 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. The cases filed against police officers for excessive use of force declined from previous years. In 2015 authorities filed seven cases against police officers for excessive use of force, a 56 percent decline from the previous year. During the first nine months of the year, authorities filed three cases against police officers for excessive use of force.

In November 2015 more than 30 individuals at the Harku detention center for irregular migrants were involved in a detainee protest sparked by the refusal of one detainee to accept his deportation order. Media reported that the police made several management errors in suppressing the protest, fired rubber bullets at a peaceful person, and later lied to the public about the events. As a result of an internal police control service investigation, on May 6, a senior police official admitted that the use of rubber bullets to suppress the protest in the Harku center was not in accordance with the Law Enforcement Act. According to a June opinion issued by the legal chancellor (the country's ombudsman), police may not have been justified in using cable binders as handcuffs to suppress the protest.

Prison and Detention Center Conditions

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

Physical Conditions: During the first eight months of the year, there were two deaths and one suicide in prisons.

In inspecting several institutions during the year, the legal chancellor found a number of deficiencies in prison and detention center conditions, particularly in the

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

Administration: Authorities in prison and detention centers generally kept accurate records.

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

Improvements: The government continued to upgrade lighting and overall conditions, including improving detainee safety by adding surveillance cameras into the cells at some detention centers.

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

The Police and Border Guard Board and the Internal Security Service maintain internal security. The army is responsible for external security but also has some domestic security responsibilities. The Police and Border Guard Board and the Internal Security Service report to the Ministry of the Interior. The army reports to the Ministry of Defense. The Prosecutor's Office leads investigations and prosecutes cases in court. The Police and Border Guard Board and the Internal Security Service investigate civilian cases, while the military police investigate defense force cases. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

Apart from those arrested during the commission of a crime, the law requires that in making arrests, authorities must possess warrants issued by a court based on evidence and must inform detainees promptly of the grounds for their arrest. There is a functioning bail system and other alternatives for provisional release pending trial. Authorities may hold individuals for 48 hours without charge; further detention requires a court order. Police generally complied with these requirements. On September 1, new criminal procedure rules took effect providing for a maximum detention during preliminary investigations of two months in the case of minors and four months in instances of second-degree crimes. Detainees are entitled to immediate access to legal counsel, and the government pays for legal counsel for indigent persons. There were no reports that authorities held individuals incommunicado or under house arrest.

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

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: Authorities detained unsuccessful asylum applicants or illegal immigrants pending their deportation, but in general met the applicable legal requirements. Human rights organizations objected to the holding of asylum seekers in the detention center rather than the refugees' accommodation center after they had applied for asylum and contended that a shortage of translators inhibited detained asylum seekers in their efforts to regularize their status.

e. Denial of Fair Public Trial

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

Trial Procedures

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

Defendants enjoy the right to a presumption of innocence, prompt and detailed notification of the charges (with free interpretation if necessary), a fair and public trial without undue delay, presence at their trial, communication with an attorney

of choice, adequate time and facilities to prepare a defense, free interpretation as necessary from the moment charged through all appeals, access to government-held evidence, as well as the right to confront prosecution or plaintiff witnesses and to present one's own witnesses and evidence. Defendants cannot be compelled to testify or confess guilt and have the right to appeal. A single judge, a judge together with public assessors, or a committee of judges may hear cases. In criminal proceedings, an attorney is available to all defendants at public expense, although individuals often preferred to hire their own attorneys. In civil proceedings the government provides an attorney for indigents. Authorities generally respected these rights and extended them to all residents regardless of citizenship.

Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights violations in domestic courts. They may appeal unfavorable decisions to the European Court for Human Rights after exhausting all domestic remedies.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech 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. The constitution states that incitement to national, racial, religious, or political hatred, violence, or discrimination, as well as to conflict between social strata, is punishable by law. The criminal code limits application of this provision to incitement that results in danger to the life, health, or property of a person. There were no reports of prosecutions for such offenses during the year.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. The internet was widely available, and the public used it regularly. During the first half of the year, 86 percent of households 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

Freedom of Assembly

The constitution provides for the freedoms of assembly, and the government generally respected this right.

On July 30, the 20th Estonian Grenadier Division Veteran Association organized an annual memorial event to commemorate the World War II battle of Sinimae. The battle took place between the Soviet army and German forces, including the 20th Estonian Waffen SS Grenadier Division. Participants laid wreaths at monuments for soldiers from both sides who died in battles nearby. No national government officials participated in the ceremony. No Nazi symbols or insignia were in evidence.

Freedom of Association

While the constitution provides for freedom of association, the law specifies that only citizens may join political parties. There are no restrictions on the ability of noncitizens to join other civil groups.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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.

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The nongovernmental organization (NGO) Estonian Human Rights Center (EHRC) reported that authorities did not adequately inform asylum seekers of their rights and made inadequate provision for translation. These deficiencies hampered communications between the asylum seekers and authorities. The EHRC and other NGOs provided legal and social assistance to asylum seekers in cooperation with authorities. Government officials indicated that access to legal aid was available at every stage of the asylum procedure. The government agreed to accept 550 refugees for resettlement from other countries as a part of the September 2015 EU response to the continuing refugee crisis.

On May 1, amendments to the migration law harmonized certain criteria, procedures, and acceptance conditions for refugees arriving in the country, obliging them to pass an adjustment program and learn the state language, and creating conditions for integrating refugees into society. It specified the right of appeal for refugees, and maintained that all applicants are entitled to translation services. During the first nine months, the government accepted 68 individuals with refugee or international protection status for resettlement in the country within the framework of the EU immigration policy.

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

Access to Basic Services: The government asserted that it generally provided basic services to asylum seekers and refugees and offered cultural orientation and adaptation programs, co-funded by various EU agencies. The government provided support persons to all refugees that entered the country in connection with the EU resettlement program. A shortage of translators and language teachers continued to be a problem.

Durable Solutions: The government assisted in the safe, voluntary return of refugees to their homes. The country worked with the EU to implement a refugee resettlement program.

Temporary Protection: The government provided temporary protection to individuals who may not qualify as refugees. The government granted temporary protection via residence permits to 49 individuals and 13 family members during the first eight months of the year.

Stateless Persons

UNHCR reported there were 91,281 stateless persons in the country at the end of 2013. Although UNHCR categorized this population as stateless, the government did not, since in its view the individuals involved were eligible to apply for naturalized citizenship and enjoyed the protections available to citizens except for joining political parties. As of July 1, according to government statistics, there were 80,754 residents of undetermined citizenship, who made up approximately 6 percent of the population. Nearly all were ethnic Russians, Ukrainians, or Belarusians.

Statutory procedures that offer adults opportunities for obtaining citizenship by naturalization exist, but some human rights observers regarded them as inadequate. In 2015 a total of 884 persons acquired citizenship by naturalization, a significant decrease from 2014. In January 2015 parliament amended the law effective January 1, 2016, to provide citizenship at birth, without any special application by the parents, to children younger than 15 whose parents were not citizens of Estonia or of any other country and who had lived in the country for five years. Nearly all those without documented citizenship were long-term residents; they could vote in local, but not parliamentary, elections. Individuals applying for naturalization must pass Estonian language and civics tests. In 2015 more than 60 percent of those who took the language test passed. To facilitate acquisition of citizenship, authorities adopted such policies as funding civics and language courses and

simplifying naturalization for persons with disabilities. The government also simplified the Estonian language requirements so that applicants older than 65 are no longer required to take a written language examination, although they still must pass an oral one.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. According to the constitution, if a government resigns, the president may appoint a new candidate for prime minister as well as to appoint or release from office members of the government without declaring elections.

Elections and Political Participation

Recent Elections: Parliamentary elections in March 2015 were free and fair and led to the formation of a three-party coalition government comprising the Reform Party, Social Democrat Party (SDE), and Pro Patria and Res Publica Union (IRL). Due to a vote of no confidence in parliament (that included support of coalition partners SDE and IRL), the Reform-led coalition dissolved, and Prime Minister Taavi Roivas stepped down in November. In accordance with the constitution, the president gave Center Party leader Juri Ratas the mandate to form a new coalition, consisting of the Center Party, SDE, and IRL; Ratas has led that coalition as prime minister since November 23.

Participation of Women and Minorities: The law prohibits noncitizen residents from organizing or joining political parties. Noncitizens who are long-term residents may vote in local elections but cannot vote in national elections or hold public office. No laws limit the participation of women, and they participated in the political process.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: There were several reports of government corruption during the year. In October 2015 the Viru County Court found the mayor of the northeast Estonian city of Kohtla-Jarve guilty of corruption, including such specific charges as

embezzlement, competition-related offenses, counterfeiting, and misuse of trust. The court sentenced him conditionally to a five-year jail sentence and a probation period of five years. On September 1, the Supreme Court upheld the corruption conviction.

Financial Disclosure: The law requires all public officials to disclose their income and assets. Designated offices have responsibility for monitoring and verifying disclosures. The financial declarations of high-level government officials were available to the public, and there are criminal and administrative sanctions for noncompliance with the law.

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

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

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

Government Human Rights Bodies: The legal chancellor, an independent official with a staff of more than 45, performs the role of human rights ombudsman. The chancellor reviews legislation for compliance with the constitution; oversees authorities' observance of fundamental rights and freedoms and the principles of good governance; and helps resolve accusations of discrimination based on gender, race, nationality (ethnic origin), color, language, religion, social status, age, disability, or sexual orientation. The legal chancellor also makes recommendations to ministries and local governments, requests responses, and has authority to appeal to the Supreme Court. The chancellor compiles an annual report for the parliament. Public trust in the office was high, and the government was responsive to its reports and decisions.

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and physical abuse, including domestic violence. The penalty for rape, including

spousal rape, is imprisonment for up to 15 years. According to the Sexual Health Union (an NGO), 13 percent of women have suffered from sexual abuse, including rape. In 68 percent of cases, perpetrators were familiar and either an existing or an earlier partner. During the first nine months of the year, police filed 12 percent fewer physical abuse cases, including domestic violence cases, compared with the similar period in 2015; however, police recorded 7 percent more rapes during the first nine months of the year compared with the similar period in 2015.

According to NGOs and shelter managers, violence against women, including domestic violence, was a problem. More than 80 percent of the domestic violence victims registered by the police were women. Courts ruled on approximately one-fourth of domestic violence cases reported.

Victims of domestic and sexual violence could obtain help, including counseling and legal assistance, from social workers employed by local governments and from specialized NGOs that received partial funding from local governments. NGOs, local governments, and others could seek additional assistance for victims from the national government. There was a network of shelters for women, and women with children, who were victims of gender-based violence as well as hotlines for domestic violence and child abuse. Police officers, border guards, and social workers received training related to domestic and gender violence from NGOs, the Ministry of Social Affairs, the Ministry of the Interior, and the Ministry of Justice.

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

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

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

Children

Birth Registration: Citizenship derives primarily from one's parents. Either citizen parent may pass citizenship to a child regardless of the other parent's citizenship status. An amendment to the law passed in January 2015 and effective on January 1 provides that children born to persons who are not citizens of Estonia or of any other country and who have lived in the country for five years acquire citizenship at birth. Registration of births occurred in a timely manner.

Child Abuse: Child abuse continued to be a problem. In 2015 approximately 72 percent of sexual crimes were committed against minors. Of 161 rape cases reported in 2015, 85 victims were underage. The Police and Border Guard Board worked to combat child abuse, including sexual abuse. The legal chancellor acted as children's ombudsman.

Early and Forced Marriage: The legal minimum age for marriage is 18.

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

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

Anti-Semitism

The Jewish community numbered an estimated 2,500 persons. In August the Jewish community reported that unknown persons drew swastikas on the Holocaust monument in Harju County. There were no other reports of anti-Semitic acts.

On January 27, the government held an annual memorial event on Holocaust Remembrance Day at the Rahumae Jewish Cemetery in Tallinn. Schools participated in commemorative activities throughout the country. On January 29, the Ministry of Education and Research in cooperation with the Estonian NATO Association and other organizations sponsored a seminar for history and civics teachers from across the country to introduce them to best practices in the

classroom for Holocaust commemoration. The event took place in the Museum of Occupations.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, or the provision of other state services. The government generally enforced these provisions.

Persons with disabilities may avail themselves of government assistance in accessing information and may request individual personal assistants when necessary. The law provides that buildings constructed or renovated after 2002 must be accessible to persons with disabilities. Few older buildings were accessible, but new or renovated ones generally were. According to the legal chancellor, measures to safeguard the fundamental rights of individuals in mental health facilities remained inadequate. Problems included abusive use of physical restraints, documentation thereof, and inadequate medical care. NGOs complained that, while services typically were accessible in the capital, persons with disabilities in some rural areas had difficulty receiving appropriate care. There were reports of discrimination in occupation or employment (also see section 7.d.).

The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities, and local governments are responsible for the provision of social welfare services to persons with disabilities. Children with disabilities attended school (primary, secondary, and higher education). The government implemented the Work Ability Reform, which was intended for persons with reduced working ability and whose ability to be active in the society was assessed individually. The reform sought to bring persons with disabilities back to the labor market and encouraged the increased social inclusion of individuals with disabilities. The government focused on developing rehabilitation services to improve the ability of those with disabilities to cope independently. The government also provided compensation for some additional expenses incurred by persons with disabilities.

National/Racial/Ethnic Minorities

Instances of overt hostility based on ethnicity or race were more frequent than in previous years. In 2015 police registered six cases of physical abuse, which included inciting hatred against racial/ethnic minorities. One of the cases reached the court at the end of 2015 and another at the beginning of the year with the court finding the perpetrators guilty.

The government encouraged the social integration of the 28 percent of the population, mostly Russians, Ukrainians, and Belarusians, who were members of ethnic minorities, through a policy that promoted naturalization and learning the Estonian language. In districts where more than half the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in their language, and authorities respected the law. The government also funded activities, including cultural associations and societies that focused on the languages and cultures of minority groups.

Knowledge of Estonian is required to obtain citizenship, and all public servants and public-sector employees, service personnel, medical professionals, and other workers who have contact with the public must possess a minimum competence in the language. A language inspectorate enforces language skill requirements in those sectors, referring persons with insufficient skills to language classes and imposing small fines.

Russian speakers alleged that Estonian language requirements resulted in job and salary discrimination (see section 7.d.).

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

Roma, who numbered fewer than 1,000, reportedly faced discrimination in several areas, including employment (see section 7.d.). The government took steps to emphasize the importance of education for Romani children, but their dropout rate remained high.

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

The law prohibits discrimination based on gender, sexual orientation, or other personal characteristics. While the law is not specific regarding the forms of

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

During the first seven months of the year, notaries registered 29 civil partnerships, including same-sex couples, after the gender-neutral Registered Partnership Act took effect on January 1. In 2015 police recorded one case of physical abuse, where the victim was attacked, because he was homosexual.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, related regulations, and statutory instruments provide workers with the right to form and join independent unions of their choice, bargain collectively, and conduct legal strikes. The government generally respected these rights. The law allows unions to conduct their activities without interference and prohibits antiunion discrimination. Both employees and employers have the right to request that labor dispute committees, consisting of representatives of unions and employers, or the courts resolve individual labor disputes. The law prohibits discrimination against employees because of union membership and requires the reinstatement of workers fired for union activity. Public-sector employees do not have the right to strike, but they can negotiate their salaries and working conditions directly with their employers.

The government generally enforced applicable laws. Resources, inspections, and remediation were usually adequate to achieve compliance with the law. In most cases violators incurred fines that were sufficient to deter violations. Criminal proceedings and civil claims were also available. The number of labor dispute complaints the Labor Inspectorate received increased from 2014; more than 90 percent of complaints were resolved during the year. The penalties employers had to pay were related primarily to workplace accidents and occupational illnesses. Administrative and judicial procedures were not subject to lengthy delays.

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

The Confederation of Estonian Trade Unions reported frequent violations of trade union rights in the private sector during the year. Confederation officials claimed antiunion behavior was widespread. They also reported that some enterprises advised workers against forming trade unions, threatening them with dismissal or a reduction in wages if they did, or promising benefits if they did not. The Independent Sailors' Union and the Financial Employees' Union were involved in court disputes connected with violation of the Unions Act. The unions won in court.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and the government effectively enforced the law. In 2015, police registered two cases of a forced-labor crime. Fifteen cases connected with trafficking reached the courts in 2015, whereas 26 individuals, of whom eight were women, and two companies were found guilty. Penalties for trafficking and forced-labor offenses range up to 15 years' imprisonment. While penalties for violations were sufficient, their application in sentencing often failed to reflect the seriousness of the crime.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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 younger than 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. The government efficiently enforced applicable law.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination regarding nationality, race, color, political opinion, age, sex, gender, disability, language, sexual orientation or gender identity, and origin. The government generally enforced these laws. In

case workers claimed discrimination and turned to courts, the labor inspectorate, or the gender equality commissioner and the appropriate institution found the suit justified, workers were indemnified by employers. With respect to employment or occupation, labor laws and regulations require employers to protect employees against discrimination, follow the principle of equal treatment, and promote equal treatment and gender equality.

Nevertheless, discrimination in employment or occupation occurred with respect to age, gender, disability, and language (see section 6), and there were complaints to the Gender and Equal Treatment Commissioner, the legal chancellor, and the Labor Inspectorate.

The Labor Inspectorate received complaints of labor discrimination from 10 women. Of the Labor Inspectorate cases, 25 percent found positive solutions. During the period September 2015 to August 2016, the legal chancellor received 58 complaints relating to unequal treatment; 18 of these related to discrimination with respect to language, sexual orientation, age, religion, disability or race. In 28 cases, the legal chancellor initiated proceedings to check whether regulations, legal acts, or laws were in correspondence with the constitution. The Legal Chancellor found that the law was in contradiction with the constitution in three cases.

Although women have the same rights as men under the law and are entitled to equal pay for equal work, employers did not always respect these rights. Despite possessing a higher average level of education than men, women's average earnings were 28.3 percent lower than those of men for the same work. There continued to be female- and male-dominated professions. Women constituted one-third of managers.

Fewer than 25 percent of persons with disabilities had jobs. The commissioner for gender equality and equal treatment received more claims of discrimination based on disability than in previous years.

Russian speakers worked disproportionately in blue-collar industries and continued to experience higher unemployment than ethnic Estonians. Some noncitizen residents, particularly ethnic Russians, alleged that the language requirement resulted in job and salary discrimination. Roma reportedly faced discrimination in employment (see section 6).

e. Acceptable Conditions of Work

The national monthly minimum wage was 430 euros (\$473). For a single member of a one-person household, the poverty line was 201 euros (\$221).

The standard workweek is 40 hours. The law requires a rest period of at least 11 hours in sequence for every 24-hour period. Reduced working time is required for minors and for employees who perform work that is underground, poses a health hazard, or is of an otherwise special nature. The law provides for paid annual holidays and requires overtime pay of not less than 150 percent of the employee's hourly wage. The government effectively enforced these requirements. There is no prohibition against excessive compulsory overtime.

The government sets occupational health and safety standards. Minimum wage, hours of work, and occupational health and safety standards were generally enforced in all sectors, including the informal economy. The Labor Inspectorate, Health Protection Inspectorate, and Technical Inspectorate were responsible for enforcing these standards and made efforts to do so in both the formal and informal sectors. Violations of health and safety standards were more common in the construction and wood-processing industries. There were 70 labor inspectors; there were no reports that resources were inadequate. Penalties for violations include a fine of up to 2,600 euros (\$2,860), if committed by a company, and were sufficient to deter violations. In 2015 the Labor Inspectorate prescribed penalties in 150 cases, of which 84 were for companies and 66 for individuals. Men from Poland and Ukraine experienced labor exploitation, particularly in the construction sector, where "envelope wages," or nontaxed cash payments, were believed to make up more than half of the informal economy.

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