

# **ESTONIA 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Estonia is a unitary, multiparty republic, a 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 2019, with a coalition government taking office. The government coalition changed in January 2021 when then prime minister Juri Ratas' government resigned, and Prime Minister Kaja Kallas' formed a coalition government. The coalition consisted of the Reform Party and the Center Party until July, when the Prime Minister Kallas formed another coalition consisting of the Reform, Isamaa, and Social Democrat parties. Observers considered the 2019 elections free and fair.

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 Defense Forces report to the Ministry of Defense. The Police and Border Guard Board and the Internal Security Service investigate civilian cases, while military police investigate defense force cases. Civilian authorities maintained effective control over the security forces.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically**

## **Motivated Killings**

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

### **b. Disappearance**

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

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

The constitution and law prohibit such practices, but there were reports police used excessive physical force and verbal abuse during the arrest and questioning of some suspects. The number of cases brought against police officers for excessive use of force has declined compared with previous years. During the year authorities filed one case against a police officer for excessive use of force.

Impunity was not a significant problem in the security forces.

### **Prison and Detention Center Conditions**

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

**Administration:** Authorities conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government generally permitted monitoring by independent nongovernmental observers, including human rights groups, media, and international bodies including the Council of Europe's Committee for the Prevention of Torture.

#### **d. Arbitrary Arrest or Detention**

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

##### **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. Authorities respected these rights. There is a functioning bail system and other alternatives for provisional release pending trial. Authorities may hold individuals for 48 hours without charge; further detention requires a court order. Police generally complied with these requirements. Criminal procedure rules provide for maximum detention of two months during preliminary investigations in cases where the accused is a minor, and four months in cases of second-degree (less serious) crimes. Detainees are entitled to immediate access to legal counsel, and the government pays for legal counsel for indigent persons.

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

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

##### **Trial Procedures**

The constitution provides for the right to a fair and public 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 effective civil remedies for human rights abuses in domestic courts and from the chancellor of justice. They may appeal unfavorable decisions to the European Court of Human Rights after exhausting all domestic remedies.

### **Property Seizure and Restitution**

The government has laws and mechanisms in place for property restitution, and nongovernmental organizations (NGOs) and advocacy groups reported no problems with the government's resolution of Holocaust-era claims, including for foreign citizens. According to the Department of Interior's Office of Religious Affairs, there were no problems or claims arose concerning property restitution during the year. The chairperson of the Jewish Community of Estonia corroborated the department's statement.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released in July 2020, can be found on the State Department's website at: <https://www.state.gov/reports/just-act-report-to-congress/>.

### **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**

### **a. Freedom of Expression, Including for Members of the Press and**

## **Other Media**

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

## **b. Freedoms of Peaceful Assembly and Association**

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

### **Freedom of Association**

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

## **c. Freedom of Religion**

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

## **d. Freedom of Movement and the Right to Leave the Country**

The constitution provides for freedom of internal movement, foreign travel,

emigration, and repatriation, and the government generally respected these rights.

### **e. Protection of Refugees**

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, returning refugees, or asylum seekers, as well as other persons of concern. Asylum processing is managed by the Police and Border Guard Board.

**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 Estonian Human Rights Center, the Estonian Refugee Council, and other NGOs provided legal and humanitarian assistance to asylum seekers in cooperation with authorities. Government officials indicated access to legal aid was available at every stage of the asylum procedure.

In August the parliament adopted a law, drafted by the government, that provides for emergency denial of entry to the country by the Police and Border Guard Board and application for international protection to migrants and refugees who cross an external border at other than an official border crossing point. The law's emergency provision applies solely to a situation that constitutes a threat to public order or national security. Nevertheless, UNHCR, the Estonian Refugee Council, and other NGOs stated it violated international law and the principle of nonrefoulement.

**Freedom of Movement:** The government maintained a detention center for persons awaiting deportation in the Rae municipality outside Tallinn. The Estonian Human Rights Center continued to raise concerns regarding the prolonged detention of asylum seekers during the adjudication of their cases.

**Durable Solutions:** The government accepted refugees for resettlement, offered

naturalization to refugees residing on its territory, and assisted in their voluntary return to their homes. Naturalization is open to all permanent residents of the country after five years' residence, provided they pass mandatory citizenship and language examinations.

**Temporary Protection:** The government provided temporary protection to individuals who may not qualify as refugees. The government hosts a website for Ukrainian refugees that provides information on how to apply for temporary protection as well as humanitarian aid. From February 9 to August, the government granted temporary protection status to 95,000 Ukrainians fleeing the war. As of August more than 54,000 Ukrainians remained in the country.

#### **f. Status and Treatment of Internally Displaced Persons**

Not applicable.

#### **g. Stateless Persons**

UNHCR categorized 70,594 persons residing in the country in 2021 as stateless. In January the Police and the Border Guard Board reported 68,992 stateless persons in the country. The government has taken positive steps to reduce statelessness. The number of persons with undetermined citizenship had been steadily declining, falling from 32 percent of the population in 1992 to 4.9 percent in 2022.

Nearly all were ethnic Russians, Ukrainians, or Belarusians. These persons are eligible to apply for naturalized citizenship, which is open to all permanent residents of the country after five years' residence, provided they pass the mandatory citizenship and language examinations.

There are statutory procedures that offer persons older than 18 opportunities for obtaining citizenship by naturalization.

## **Section 3. Freedom to Participate in the Political Process**

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

### **Elections and Political Participation**

**Recent Elections:** Parliamentary elections in 2019 led to the formation of a three-party coalition government comprising the Center Party, the Estonian Conservative People's Party, and the Pro Patria party. The coalition led by Prime Minister Juri Ratas (Center Party) collapsed due to a corruption scandal involving Center Party members' misuse of state loans intended for coronavirus pandemic relief. In January 2021, Kaja Kallas' Reform Party took office in coalition with the Center Party. In June the coalition dissolved and in July Kallas formed another coalition with the Reform, Isamaa, and Social Democrat parties. According to the *Bertelsmann Transformation Index* and Freedom House, the elections were considered free and fair and met democratic standards.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate.

## **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. There were isolated reports of government corruption during the year.

**Corruption:** On May 20, the Center Party former secretary general, Mihhail Korb, and businessman Hillar Teder, were charged by the Office of the Prosecutor



General with influence peddling. The charge sheet states that Korb used personal and political influence benefitting a Teder real estate development in central Tallinn. The number of official corruption crimes reported in the first six months of the year was 96, compared with 80 reported during the same period in 2021.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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

**Government Human Rights Bodies:** The chancellor of justice, an independent official with a staff of approximately 46, 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 chancellor of justice also makes recommendations to ministries and local governments, requests responses, and has authority to appeal adverse rulings 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 and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape and spousal rape,

regardless of gender, and physical abuse, including domestic violence. The law was effectively enforced. The penalty for conviction of rape, including spousal rape, is imprisonment for up to 15 years.

According to NGOs and shelter managers, gender-based violence (GBV), including domestic violence, was a problem. NGOs stated laws regarding rape and sexual violence are not based on the consensus principle but provide for preconditions such as violence or abusing persons in a state of helplessness.

NGOs, local governments, and others could receive assistance for survivors from the national government. There is a network of shelters for women and women with children who were survivors of GBV as well as hotlines for domestic violence and child abuse. There are four treatment centers for survivors of sexual violence. Police officers, border guards, and social workers received training related to domestic and GBV from NGOs and the Ministries of Social Affairs, Interior, and Justice.

**Sexual Harassment:** There were reports of such harassment in the workplace and on public transport. The law prohibits sexual harassment and courts have authority to adjudicate sexual harassment complaints. Penalties for conviction include a substantial fine, imprisonment, or both.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Government provided access to health-care services enabled women to go safely through pregnancy and childbirth. The government also provided access to sexual and reproductive health-care services for survivors of sexual violence. Emergency contraception was provided as part of the clinical management of rape, and management of complications arising from abortion was available.

**Discrimination:** The law provides the same legal status and rights for women as

for men, including under family, religious, personal status, and nationality laws as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. 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.). The government enforced the law effectively.

### **Systemic Racial or Ethnic Violence and Discrimination**

The constitution and law prohibit violence and discrimination against members of racial or ethnic minorities or minority groups. The government effectively enforced these prohibitions.

Human rights groups raised concern regarding the country's hate crimes law that requires a victim demonstrate that his or her life, health, property, or a combination of the three are endangered to file charges. Observers noted this high bar resulted in few hate crime filings. In addition, human rights NGOs stated differentiations in antidiscrimination laws limited their effectiveness. Discrimination based on religion, age, disability, and sexual orientation is prohibited only regarding employment; there is no mechanism for affected individuals to receive state assistance or claim compensation. Russian speakers faced discrimination in employment and choice of occupation (see section 7.d.).

Nonwhite residents and Ukrainian refugees reported discrimination in housing. The government faced difficulties finding housing for resettled refugees, which refugee advocates attributed to societal discrimination. The government took steps, however, to mitigate conditions that could contribute to racial or ethnic violence and discrimination. The "Settle in Estonia Program" is a free educational program provided by the government to help new immigrants better adapt to life in the country. In addition, the Police and Border Guard Board has a dedicated office to combating extremism that, in concert with social support agencies, worked with

minority and religious groups. The commissioner of the Office of Gender Equality and Equal Treatment stated the office implemented several campaigns to raise awareness regarding equal treatment during the year.

## **Children**

**Birth Registration:** Citizenship derives primarily from the citizenship of at least one parent. Children born to parents who are not citizens of Estonia or of any other country automatically receive Estonian citizenship. Registration of births occurred in a nondiscriminatory and timely manner.

The government also provides citizenship, without any special application by the parents, to persons younger than 15 who were born in the country and whose parents were not citizens of Estonia or of any other country and had lived in the country for five years at the time of the birth of the child.

**Child Abuse:** There are laws against child abuse. The Police and Border Guard Board worked to combat child abuse, including sexual abuse. The chancellor of justice acted as children's ombudsman. Police provided training to officers on combatting sexual abuse in cooperation with the justice, education, and social ministries and local and international organizations.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18; however, persons between ages 15 and 18 may obtain a waiver of the age limit through the court system.

**Sexual Exploitation of Children:** The law prohibits the commercial sexual exploitation of children and child pornography, and authorities enforced the law. By law the minimum age for consensual sex was changed from age 14 to 16 in 2021 and on November 1, the law went into effect. Conviction of engaging in child pornography is punishable by a fine or up to three years in prison. Girls were more frequently exploited than boys.

## **Antisemitism**

The Jewish community numbered an estimated 3,500 persons. There were no reports of antisemitic acts during the year.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** Consensual same-sex sexual conduct between adults or so-called cross-dressing is not illegal.

**Violence against LGBTQI+ Persons:** Advocacy groups reported societal harassment and discrimination against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons remained common, but these groups noted improving public attitudes towards LGBTQI+ persons. In July a transgender woman was killed in Tallinn. Police investigation of the case was underway as of September.

**Discrimination:** The law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognizes LGBTQI+ individuals, couples, and their families. While the law does not specify the forms of sexual orientation and gender, LGBTQI+ persons and their families are included. Authorities enforced the law.

**Availability of Legal Gender Recognition:** The government allows individuals to change their gender identity marker on legal and identifying documents;

however, NGOs stated the process was difficult and time consuming. Processing was delayed due to temporary suspension of activity by the Medical Examination Committee, an integral part of the legal gender recognition.

### **Involuntary or Coercive Medical or Psychological Practices Specifically**

**Targeting LGBTQI+ Individuals:** There were no reports of forced or involuntary conversion therapy.

### **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no restrictions on the ability of LGBTQI+ organizations to legally register or convene events such as pride festivities or in openly expressing their views on matters of concern to their members and the LGBTQI+ community.

### **Persons with Disabilities**

Persons with disabilities have access to education, health services, public buildings, and transportation on an equal basis with others. The law mandates that newly constructed or renovated buildings must be accessible to persons with disabilities. Few older buildings were accessible. Persons with disabilities may obtain government assistance in accessing information, including personal assistance when necessary. The government generally enforced these provisions.

According to the chancellor of justice, measures to safeguard the fundamental rights of individuals in mental health-care facilities remained inadequate, including protections against the use of unauthorized restraint measures in psychiatric care institutions.

NGOs complained that, while services typically were accessible in the capital, persons with disabilities in some rural areas had difficulty receiving appropriate care. For persons with disabilities outside of major population centers, access to local government social services (such as a personal assistant, support persons, and transportation) depended on a person's own ability to seek assistance.

There were reports of discrimination against persons with disabilities in occupation or employment (see section 7.d.). Between 2015 and 2021, the share of employers who hired persons with disabilities rose from 29 percent to 33 percent. During the year the chancellor of justice and the commissioner for gender equality and equal treatment received claims of discrimination based on disability. The number of claims is not scheduled for release until 2023 (also see section 7.d.).

## **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 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 may negotiate salaries and working conditions.

The government generally enforced applicable laws protecting freedom of association, collective bargaining, and the right to strike. 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, and penalties were commensurate with those for other laws involving denials of civil rights. Penalties were regularly applied against violators. 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 the government or other parties interfered in the functioning of workers' organizations.

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

The law prohibits and criminalizes all forms of forced or compulsory labor, and the government effectively enforced the law. Penalties for human trafficking and forced labor offenses were commensurate with those for other analogous serious crimes, but sentences often failed to reflect the seriousness of the crime.

See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. In most cases the legal minimum age for employment is 18. Minors who graduated from basic school may work full time. Children ages 15 to 17 may work, depending on whether they are still at school. Children ages 7 to 12 may engage in light work in the areas of culture, art, sports, or advertising with the consent of the Labor Inspectorate. Minors may not perform hazardous work, such as handling explosive substances or working with wild animals. The law limits the hours 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. Penalties were commensurate with those for analogous serious crimes. Penalties were regularly applied against violators. The Labor Inspectorate monitored whether the conditions for child workers were appropriate. There were no confirmed reports during the year of the worst forms of child labor.



#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation, based on race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, age, sexual orientation or gender identity, HIV or AIDS status, and refugee or stateless status. The government generally enforced the law, and penalties were commensurate with those under laws related to civil rights. Penalties were regularly applied against violators. If workers claimed discrimination and turned to the courts, and the Labor Inspectorate or gender equality commissioner and the appropriate institution found the suit justified, workers were indemnified by employers. Labor laws and regulations require employers to protect employees against discrimination, follow the principle of equal treatment, and promote equal treatment and gender equality. Nevertheless, discrimination in employment or occupation occurred with respect to age, gender, disability, ethnicity, and language, and there were complaints to the gender and equal treatment commissioner, the chancellor of justice, and the Labor Inspectorate.

Although women have the same rights as men under the law and are entitled to equal pay for equal work, employers did not always respect these rights (see section 6). Despite having a higher average level of education than men, according to government statistics, women's average earnings were 14.9 percent lower than those of men. In recent years the salaries of women increased faster than those of men. There continued to be female- and male-dominated professions. Women constituted one-third of mid-level managers.

During the year the chancellor of justice and the commissioner for gender equality and equal treatment received complaints of discrimination based on disability. Persons with disabilities faced discrimination in employment and access to the workplace (see section 6).

Russian speakers stated Estonian language requirements resulted in job and salary

discrimination (see section 6). The government continued to provide free and subsidized opportunities for learning Estonian. Russian speakers worked disproportionately in blue-collar industries and continued to experience higher unemployment than ethnic Estonians.

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

**Wage and Hour Laws:** The national monthly minimum wage was higher than the poverty income level.

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 whose work 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. There is no prohibition against excessive compulsory overtime, except for children younger than age 17.

**Occupational Safety and Health:** The government sets occupational safety and health (OSH) standards. OSH standards are appropriate for the main industries in the country and OSH experts actively identified unsafe conditions. Violations of health and safety standards were more common in the construction and wood-processing industries. Men experienced labor exploitation, particularly in the construction sector, where "envelope wages" (nontaxed cash payments) were sometimes paid. Officials reported 11 fatal workplace accidents during the first eight months of 2022, compared with 16 cases in the same period of previous year.

**Wage, Hour, and OSH Enforcement:** The Labor Inspectorate, the Health Board, and the Consumer Protection and Technical Regulatory Authority were responsible for enforcing wage, hour, and OSH standards and made efforts to do so in both the formal and informal sectors. Inspections for compliance with OSH standards were

conducted by the same inspectors under the same authorities as wage and hours. Inspectors have authority to make unannounced inspections and initiate sanctions.

Authorities generally enforced minimum wage, overtime, and OSH laws. Penalties were commensurate with those for similar crimes, such as fraud and negligence. Penalties were regularly applied against violators. Penalties were related primarily to workplace accidents and occupational illnesses.

**Informal Sector:** Tax and Customs Board research reported 4 percent of wage payments during the year were informal, a drop from 8 percent in 2021. Informal wages were more common in the catering, industrial, construction, and commercial wholesale sectors. Informal sector workers do not pay taxes on their earnings and are not covered by wage, hour, OSH, and other labor laws and inspections; however, part-time workers pay taxes and are covered.