

Recommendations:

- Adopt amendments to the 'Equal Treatment Act' which would serve to eliminate differences between the various areas of discrimination at a fundamental level. Pay more attention to possible cases of discrimination in the field of goods and services being offered to the public.
- Enhance the protection of people's privacy in the field of communications storage and location data, and also in the organisation of access to data. To that end, as a matter of urgency bring Estonian national law into line with the relevant EU law.
- Carry out a comprehensive audit of the current arrangements for the collection and storage of biometric data, covering both technical, legal, and wider societal perspectives.
- Continue the debate with a view to finding a more effective solution for the verification of the constitution acceptability of any restrictions on the implementation of fundamental rights and freedoms.
- Adopt the implementing acts for the 'Cohabitation Act' which serve to ensure the full implementation of the 'Cohabitation Act'.
- Amend relevant legal acts so that the ban on elections applies only to convicted prisoners who have been subjected to that ban as an additional form of punishment.
- In order to set out longer-term directions and goals, and to solve a good many problems in the areas of migration, integration, and citizenship policy, it is necessary to organise an inclusive discussion with society as a whole, and to develop a holistic vision of Estonia's future in a world with changed migration forms and flows.
- Improve the assessment of the vulnerability of asylum seekers, and end the punishment of asylum seekers for unregulated border crossings.
- Ensure children's fundamental social rights and reduce inequalities.

- In psychiatric establishments, ensure that restraining measures are not applied to general care patients, and that such restraining measures which are applied to special care patients do not unduly restrict their freedom of movement.
- Review legal acts which are linked to hate speech and adopt any necessary amendments to those legal acts or the law in general.

Worthy of highlighting:

- The attitude of the Estonian population towards LGBT rights has become significantly more positive, with more and more people now supporting LGBT rights.
- Children are now able to seek psychiatric help on their own, without asking for parental permission.
- The government has approved and sent to the Riigikogu a bill which raises the age limit for consensual sexual relations to sixteen years.

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humanrights.ee



ESTONIAN HUMAN
RIGHTS CENTRE

2022

Human Rights in Estonia

Developments in the years
2020-2021

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Foreword

Those years which are included within this reporting period have been very different from the norm. Serious fears existed in 2020 that human rights were at stake, while a year later, following a change of government, there was an expectation that national human rights protection would gain momentum.

The first steps were promising: the marriage referendum which had divided society was cancelled, opportunities were improved so that children could more easily receive psychological help, and the government has also proposed to the Riigikogu that the age limit for sexual self-determination be raised to sixteen. On the other hand most areas are experiencing stagnation. There are promising initiatives in the pipeline, but no action has been taken in regard to them. Unfathomably, the 'Equal Treatment Act' itself is discriminatory, while legislation which would serve to implement the 'Cohabitation Act' remains pending, convicted prisoners continue to be blanket-barred from voting, and the retention of communications data remains out of line with EU law.

Both of those years mentioned above - 2020 and 2021 - are linked by the health crisis which has been caused by the COVID-19 virus and restrictions which have been applied to alleviate it. Those restrictions did not significantly infringe upon fundamental rights and freedoms, but any justification by officials and politicians regarding the proportion nature of such restrictions often left something to be desired, which showed how important it is for public officials to understand the importance of protecting human rights. The crisis was also a signal that human rights are not just about meeting the minimum standards of international conventions, but are important rights for all of us. Any restrictions being imposed on them must be the last and entirely solidly-founded step under any circumstances.

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Pause for thought:

- The state does not undertake to fulfil the role of a defender and leader of human rights in certain areas (such as in the fields of non-discrimination, LGBT+ rights, the rights of persons who have disabilities, the right to free elections, or the right to family and privacy); if any developments are indeed taking place in these areas, it is through litigation.
- This time, restrictions which have been put in place due to the crisis did not significantly infringe upon fundamental rights and freedoms. At the same time, there were no effective ways in which a check could be made on the levels of the appropriateness of the restrictions, something which would have provided society with more clear and concrete justification in regard to their need.
- In Estonia there exists a degree of separation between the Estonian and Russian-speaking communities. There also exists a gap between them in terms of education, the labour market, the living environment, the value space, media consumption, and so on. Extremist right-wing politicians have also begun to speak more and more to the Russian-speaking electorate.
- Instead of adhering to human rights values and showing solidarity with people who are in need, the Estonian government has decided to support activities which have been shown in Lithuania, Poland, and Latvia to be in violation of international and EU laws. Using barbed wire instead of streamlining the asylum procedure is usually a course which is pursued by non-democratic countries such as Belarus, not by a democratic country such as Estonia.
- In the field of children's rights, the COVID-19 pandemic has exacerbated existing problems and inequalities, while also creating new ones. Restrictions have affected children's access to education, along with their social relationships and mental health.
- There are still problems in existence in terms of involuntary treatment and institutionalisation.
- Problems continue in court proceedings in terms of the protection of the rights and interests of vulnerable persons.