

European Union Agency for Fundamental Rights (FRA), selection of relevant and recent passages from published reports related to Estonia

fra.europa.eu

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References to Estonia marked in **bold**. NB: any footnotes in the original texts have been omitted from this overview. Furthermore, many reports contain relevant graphs and figures, which haven't been included in this document.

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Data Explorers and Tools

In addition to the relevant passages from recent FRA publications that are presented in this submission, valuable information can be found in the **data explorers** on FRA's website (available at <https://fra.europa.eu/en/publications-and-resources/data-and-maps>), which allows the comparison of results from some of FRA's research for all EU Member States, including **Estonia**:

- [Forced return monitoring systems – State of play in EU Member States](#) (last updated July 2020)
- [EU LGBTI Survey data explorer](#) (last updated May 2020)
- [Minimum age requirements related to rights of the child in the EU](#) (last updated October 2018)
- [Second European Union Minorities and Discrimination Survey \(EU MIDIS II\) data explorer](#) (last updated December 2017)
- [Mapping child protection systems in the EU](#) (last updated August 2015)
- [Indicators on the right to political participation of people with disabilities](#) (last updated April 2015)
- [Mapping victims' right and support in the EU](#) (last updated April 2014)
- [Violence against women survey data explorer](#) (last updated March 2014)

In addition to the data explorers, the FRA website also offers the [European Union Fundamental Rights Information System \(EFRIS\)](#). EFRIS is a Human Rights Gateway, bringing together data and information from existing human rights databases, and enables viewing and analysis of relevant assessments of fundamental rights in the EU.

Annual Reports

Fundamental Rights Report 2020

<https://fra.europa.eu/en/publication/2020/fundamental-rights-report-2020>

2. Equality and non-discrimination

"The Supreme Court of **Estonia** declared null and void the part of the Aliens Act that precluded granting temporary residence permits to same-sex registered partners of **Estonian** citizens. The court invoked the fundamental right to family life, which also applies to same-sex partners who wish to live in **Estonia** as a family." (p. 47)

3. Racism, xenophobia and related intolerance

"In **Estonia**, the penal code explicitly prohibits incitement to hatred, while punishment for hate crimes can be imposed by applying a provision regarding aggravating circumstances." (p. 63)

"In 2019, **Estonia**, Hungary and Spain published instructions and guidelines for criminal justice personnel for identifying, recording, investigating and prosecuting hate crimes." (p. 64)

5. Asylum, visas, migration, borders and integration

“Approximately half of the EU Member States have provisions to extend some measures – such as having an advisor or social services support – beyond majority. The extension may be limited to children enrolled in an education programme, as for example in Bulgaria, **Estonia**, Ireland or Slovakia.” (p. 131)

6. Information society, privacy and data protection

“Eighteen Member States have not updated their legal framework since the invalidation of the Data Retention Directive. Among them, Denmark, **Estonia**, Finland, Ireland, Lithuania, Luxembourg and the Netherlands have pending legislative reforms of the current data retention scheme, most of them on hold until the CJEU sheds new light on this issue in the Belgian, **Estonian**, French, German and United Kingdom’s data retention cases.” (p. 155)

7. Rights of the child

“The European Semester paid more attention to issues related to child poverty in 2019 than in previous years. Specific references to child poverty appeared in the recitals to the country-specific recommendations (CSRs) to seven Member States: Germany, Greece, Italy, Lithuania, Poland, Romania and Spain. However, no CSR targeted child poverty as such, although general CSRs on poverty, income support or improvements of the social safety net also affect child poverty. Such CSRs on more general issues that potentially have an impact on child poverty were addressed to Bulgaria, Croatia, **Estonia**, Hungary, Latvia, Lithuania, Portugal, Romania and Spain.” (p. 169)

“In December 2019, the **Estonian** parliament amended the Penal Code. The amendments strengthen the right of the child to an individual assessment and to medical examination upon deprivation of liberty. His or her legal representative or the counsel as the right to participate in the criminal proceedings.” (p. 170)

“All Member States have already amended their national data protection laws in line with EU rules [on the protection of children], except Slovenia, which is still revising its national legislation. Bulgaria, Czechia, **Estonia**, Greece and Portugal updated their national data protection laws during 2019.” (p. 175)

8. Access to justice

“The European Commission urged nine Member States (Czechia, **Estonia**, Germany, Hungary, Italy, Malta, Poland, Portugal and Sweden) to finish incorporating the Victims’ Rights Directive into national law. It sent them letters of formal notice on 25 July 2019.” (p. 188)

9. Developments in the implementation on the rights of persons with disabilities

“In 2019, the CRPD Committee continued to review Member States’ progress in implementing the convention. It published concluding observations on **Estonia**, France and Hungary, and a list of issues concerning Croatia, while Denmark submitted its state report.” (p. 214)

“The **Estonian** government set up an accessibility task force to provide comprehensive policy recommendations to achieve full accessibility by 2035. The task force includes representatives of various ministries, DPOs, NGOs representing pensioners and children, the Chancellor of Justice, the

Gender Equality and Equal Treatment Commissioner and city representatives as well as private sector associations in areas such as real estate and architecture. The task force's report is due in July 2021." (p. 217)

"**Estonia's** Chancellor of Justice began work under Article 33 (2) of the convention and established an advisory board composed of people with disabilities and DPO representatives. The board will meet twice a year and can create special working groups as needed." (p. 221)

Fundamental Rights Report 2019

<https://fra.europa.eu/en/publication/2019/fundamental-rights-report-2019>

3. Equality and non-discrimination

"In **Estonia**, the Supreme Court confirmed the validity and binding force of the Registered Partnership Act (which provides rules governing cohabitation, regardless of the sex of partners) despite the lack of implementing legislation." (p. 67)

5. Roma integration

"In some Member States, there were initiatives in 2018 to empower Roma young people. For example, the **Estonian** Council of Roma Integration working at the **Estonian** Ministry of Culture trained young Roma to increase their knowledge on civil society as well as on project management, teamwork and communication skills." (p. 116)

7. Information society, privacy and data protection

"The Supreme Court of **Estonia** asked the CJEU to clarify whether or not access to traffic and location data pertaining to a short time period is a serious interference with fundamental rights. It also asked whether public prosecutors amount to an independent administrative authority that can lawfully authorise access to data retained." (p. 163)

8. Rights of the child

"[On the fight against child poverty] Lithuania introduced universal child allowances for every child. In **Estonia**, the amounts of such allowances increased." (p. 181)

"The Procedural Safeguards Directive was adopted in 2016, and 2018 was a year for preparatory action for incorporating it into national law. The directive aims to ensure the effective protection of the rights of children in the EU who are in conflict with the law. [...] Existing national procedural safeguards do not always cover all areas addressed by the directive. Amendments to national law are necessary in Member States such as Cyprus, **Estonia**, Germany and the Netherlands." (p. 187)

"Belgium, Bulgaria, Denmark, **Estonia**, Hungary, Latvia, Lithuania, the Netherlands, Romania, Sweden and the United Kingdom provide legal aid for children without any income requirements." (p. 187)

9. Access to justice

"At the national level, during 2018, legislative measures were adopted or entered into force in almost two thirds of the Member States. They were largely to better implement and reflect the Victims' Rights Directive (2012/29/EU). These Member States are Belgium, Croatia, Czechia, **Estonia**,

Greece, Hungary, Ireland, Italy, Lithuania, Malta, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.” (p. 206)

“**Estonia** also focused on training practitioners to increase their ability to recognise the special needs of victims. The Ministry of Justice has financially supported a project to train multi-agency teams on how to help victims of sexual and partner violence, with the aim of improving cooperation and referral mechanisms between medical services and law enforcement.” (p. 207)

“Another crucial aspect concerns criminalisation of and increased punishment for acts of violence committed against a partner, in line with Article 46 (a) of the [Istanbul] convention. The following Member States already specify that committing a violent act against a partner or ex-partner is an aggravating circumstance: Austria, Belgium, **Estonia**, France, in some cases – Italy, Latvia, Malta, Portugal, Slovakia and the United Kingdom.” (p.210)

10. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

“A few examples show the range of possible approaches to increasing the accessibility of buildings. They also indicate how accessibility measures often incorporate a number of exceptions. Cyprus and **Estonia** took steps in the form of regulations.” (p. 234)

“In **Estonia**, the Chancellor of Justice will monitor CRPD implementation from 1 January 2019 onwards. Its budget will be increased to perform this task.” (p. 236)

Thematic Reports

Antisemitism: Overview of antisemitic incidents recorded in the European Union 2009-2019 (September 2020)

<https://fra.europa.eu/en/publication/2020/antisemitism-overview-2009-2019>

“The **Estonian** government informed FRA that, in 2019, the authorities recorded two crimes motivated by antisemitism (the motivation behind the incidents was recorded when the crimes were reported). No reported antisemitic incidents or crimes were recorded in 2015–2018.” (p. 40)

“In 2016 and 2017, the Ministry of Justice of **Estonia** published a chapter on suspected hate crimes reported to the police as a part of its Crime in Estonia crime statistics yearbook. The 2018 statistics concerning suspected hate crimes were published as a separate document.” (p. 40)

“The **Estonian** Government, led by the Ministry of the Interior, is developing a policy commitment with a focus on combating and preventing antisemitism. The document is expected to be finalised by the end of 2020.” (p. 89)

“The policy document in development [on antisemitism] is holistic in its approach and involves the competences of the Ministry of the Interior, the Ministry of Education and Research, and the Ministry of Justice. There is a close cooperation with the Ministry of Foreign Affairs regarding the work in the IHRA. The strategy is developed in close cooperation with the **Estonian** Jewish Community.” (p. 89)

“Other countries that provided information to FRA but have not been listed by the [International Holocaust Remembrance Alliance (IHRA)] as countries that have adopted or endorsed the IHRA definition are Croatia, Denmark and **Estonia**. In **Estonia**, the IHRA definition has been discussed and endorsed by the relevant national institutions as a valuable tool and all relevant officials have signalled their readiness to use the definition as appropriate. To date, there have been meetings to raise awareness and inform representatives of various state institutions in **Estonia** concerning the working definition. The definition has been included into the curricula of the **Estonian** Academy of Security Sciences. Further awareness raising meetings for municipal police services are planned.” (p. 93)

Strong and effective national human rights institutions – challenges, promising practices and opportunities (September 2020)

<https://fra.europa.eu/en/publication/2020/strong-effective-nhris>

“Of the 30 countries covered by this report, 18 have A-status and seven have B-status NHRIs. The remaining five countries (Czechia, **Estonia**, Italy, Malta and Romania) are all in the process of establishing an NHRI.” (p. 27)

“Of the remaining countries, 12 have assigned their NHRIs as [national preventive mechanisms (NPMs)] (nine A-status and three B-status), and two non-accredited institutions covered by this study are NPMs (the institutions in Czechia and **Estonia**).” (p. 31)

“Similarly, under the UN Convention on the Rights of Persons with Disabilities (CRPD), a treaty to which all countries covered by this report are parties (in addition to the EU itself), there is an obligation to set up an independent national mechanism, taking “into account” the Paris Principles. In 17 of the 30 countries covered by this report the NHRIs are also national monitoring mechanisms (NMMs) under the CRPD (14 A-status and three B-status); in addition, two non-accredited institutions covered by this study are NMMs (the institutions in Czechia and **Estonia**), as is Italy’s National Guarantor for the Rights of Persons Detained or Deprived of Liberty, which is not an NHRI.” (p. 31)

“Of the 30 countries covered by this report, five – all EU Member States (Czechia, **Estonia**, Italy, Malta and Romania) – currently do not have an accredited NHRI. In addition to the developments in these five countries, at least three other EU Member States (Belgium, Slovenia and Sweden) are taking initiatives to ensure their NHRIs’ compliance with the Paris Principles.” (p. 34)

“In **Estonia**, the ombuds institution has been designated an NPM under OPCAT and an NMM under CRPD, in addition to having a specific mandate for children. **Estonia** adopted legislation that gave the Chancellor of Justice (ombuds institution) the responsibilities of an NHRI as of 1 January 2019.” (p. 34)

“Leadership tenure is in particular relevant if parliament is involved in selecting the NHRI’s leadership. The leadership tenure exceeds that of the parliament for NHRIs in 17 of the 30 states covered (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, **Estonia**, Hungary, Latvia, Netherlands, Poland, Romania, Slovenia, Spain, Sweden – and in North Macedonia and Scotland, where the NHRIs’ leadership is appointed by government).” (p. 47)

“Ensuring pluralism in leadership is more challenging in the case of ombuds institutions. For such NHRIs, advisory bodies are even more relevant. NHRIs with advisory bodies for all aspects of their

work exist in Austria, Croatia, **Estonia**, Finland, Poland, Slovenia, Spain and Sweden. Advisory bodies with a more targeted scope are in place in Czechia (disabilities), **Estonia** (disabilities and rights of the child), Hungary and Portugal (related to NPM competences) and Serbia (disabilities, older people, gender equality).” (p. 50)

“The findings of FRA’s questionnaire sent to NHRIs show that almost all institutions address their annual reports to parliaments; however, these reports are not always subject to parliamentary discussion, which limits their visibility and impact. Such a discussion is obligatory only in the case of 12 NHRIs [...]. In six NHRIs (Belgium, Cyprus, **Estonia**, Germany, Lithuania and Romania’s Institute for Human Rights), a discussion of NHRI reports is not obligatory but usually takes place in practice.” (p. 56)

“Sixteen of the NHRIs surveyed have a mandate that allows them to intervene but does not oblige them to do so (Austria, Czechia, **Estonia**, Hungary, Ireland, Italy, Latvia, Netherlands, North Macedonia, Portugal, Romania’s ombuds institution, Slovakia, Slovenia and all three United Kingdom organisations).” (p. 87)

What do rights mean for people in the EU? - Fundamental Rights Survey (June 2020) <https://fra.europa.eu/en/publication/2020/fundamental-rights-survey-trust>

“One in ten people (11 %) indicated that the service provided by the public administration/local authorities had been too expensive. While the high cost of services was mentioned less frequently than other problems listed in the survey, in some countries this was mentioned as a problem more than in others – 22 % in Germany, and 17 % of people in **Estonia**, the Netherlands and North Macedonia considered it a challenge that public administration or local authorities’ services had been too expensive.” (p. 52)

“Examining the second most often mentioned problem – difficulty to find information – shows that in this regard people were most critical concerning public administration and local authorities in France, **Estonia** and Finland, and least critical in Bulgaria, Cyprus and Malta.” (p. 53)

A long way to go for LGBTI equality (May 2020) <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>

A country sheet with the results for **Estonia** is available at:

https://fra.europa.eu/sites/default/files/fra_uploads/lgbti-survey-country-data_estonia.pdf
(also annexed to this submission)

Criminal detention conditions in the European Union: rules and reality (December 2019) <https://fra.europa.eu/en/publication/2019/criminal-detention-conditions-european-union-rules-and-reality>

“Sixteen EU Member States have laws or regulations in place specifying national standards of minimum cell space per prisoner or detainee. Of these 16, minimum cell space standards range from

about 3 m² per person in individual cells (in **Estonia**, Poland and Lithuania) to around 10 m² (in Greece, Latvia and Slovenia). National standards for cell space per prisoner in multi-occupancy cells range from about 3 m² to 6 m² per prisoner.” (p. 17)

“Access to showers and hot water is regulated in 26 EU Member States. However, even in Member States that have established the right of access to regular showers in their national legislation, the standards often do not meet the required frequency specified by Rule 19.4 of the European Prison Rules. These Member States include Austria; **Estonia**; Ireland; Lithuania; Luxembourg; Latvia; Malta; Poland; and Slovenia.” (p. 24)

“The insufficient protection of privacy with regard to sanitary facilities is repeatedly highlighted by NPMs. They indicate serious problems regarding the proper separation of sanitary areas in at least 14 EU Member States (including Austria, Belgium, Bulgaria, Cyprus, **Estonia**, France, Germany, Greece, Lithuania, Hungary, Italy, Latvia, Poland and Spain).” (p. 25)

“The NPM from **Estonia** noted a very disturbing practice of not respecting the privacy of pregnant women, even those in labour: ‘A suspicion remained that handcuffs were used to escort pregnant women from the prison to hospital for childbirth and subsequently during return to prison. Prison officers are present at childbirth; male officers also stay with the woman in a postnatal ward, sometimes around the clock. The Chancellor asked the prison to organise supervision of women at birth by using different measures.’” (p. 36)

“However, inter-prisoner violence is addressed in a repressive manner as a disciplinary or criminal offence in some Member States (e.g. in Bulgaria, Cyprus, **Estonia** and Hungary), with no provisions for other (including preventive) measures.” (p. 40)

[Hate crime recording and data collection practice across the EU \(June 2018\)](https://fra.europa.eu/en/publication/2018/hate-crime-recording-and-data-collection-practice-across-eu)

<https://fra.europa.eu/en/publication/2018/hate-crime-recording-and-data-collection-practice-across-eu>

This report provides detailed information on hate crime recording and data collection systems across the EU, including any systemic cooperation with civil society. Data for **Estonia** can be found on pages 43-44.

“The comparative analysis of the legal framework shows that 13 Member States (Austria, Cyprus, Denmark, Finland, France, Germany, Italy, Lithuania, Malta, Romania, Spain and Sweden,) treat bias motivation as a general aggravating circumstance; 7 provide for specific aggravating circumstances regarding certain substantive offences (Belgium, Bulgaria, Greece, Luxembourg, Portugal, Slovakia, Slovenia); 3 have a combination of both general and specific (Croatia, the Czech Republic, United Kingdom); and 5 have no such provision (**Estonia**, Hungary, Ireland, the Netherlands, Poland).” (p. 103)

“Twenty-two Member States have included “sexual orientation” as a protected characteristic: Austria, Belgium, Croatia, Cyprus, Denmark, **Estonia**, Finland, France, Greece, Hungary, Ireland, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.” (p. 103)

“The most common one is the offence of incitement to hatred or violence on the basis of the protected characteristics, commonly referred to as “hate speech”. With the exception of Sweden, all Member States include incitement offences in their criminal legislation. Eleven Member States go

beyond incitement to hatred or violence by also criminalising incitement to discrimination: Bulgaria, **Estonia**, France, Germany, Italy, Luxembourg, the Netherlands, Portugal, Romania, Slovenia and Spain.” (p. 104)

Challenges facing civil society organisations working on human rights in the EU (January 2018)

<https://fra.europa.eu/en/publication/2018/challenges-facing-civil-society-organisations-working-human-rights-eu>

“A recent OSCE report outlines a range of laws criminalising insults or defamation in the EU. Belgium, Denmark, **Estonia**, Luxembourg, Malta and Poland criminalise abusive, offensive or insulting conduct directed at public officials in the course of official business. Belgium, **Estonia**, Lithuania and Malta have criminal laws prohibiting insults to courts and other court officials.” (p. 24)

“Cyprus, Denmark, **Estonia**, Germany, Greece, the Netherlands, Poland, Portugal, Slovenia and Sweden criminalise defamation of foreign heads of state.” (p. 24)

“In **Estonia**, in November 2015, more than 30 individuals at the Harku detention centre for irregular migrants were involved in a detainee protest sparked by one detainee’s refusal 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, in 2016, a senior police official admitted that the use of rubber bullets to suppress the protest in the Harku centre was not in accordance with the Law Enforcement Act. According to a June opinion issued by the legal chancellor, police may not have been justified in using cable binders as handcuffs to suppress the protest.” (p. 26)

“In **Estonia**, a network of **Estonian** NGOs in cooperation with the Centre for Applied Social Sciences is developing a methodology on how and from where to collect data on government funding of NGOs. The project was ordered and is financed by the **Estonian** Ministry of the Interior.” (p. 30)

“Earning an income from entrepreneurship allows NGOs in **Estonia** to achieve financial independence from funders. In 2009 and 2013, nearly one third (28 % each year) of NGOs reported that they earned income from entrepreneurship. In addition to funding from the state and local governments, the main sources of income for NGOs in **Estonia** include donations from businesses and private persons, revenue from entrepreneurship and from member fees. Fees may also be charged, for example, for conducting training, offering counselling, providing public services and selling merchandise (such as promotional items with the organisation’s logo and/or slogan). Unless the funder sets any specific restrictions, training fees may even also be collected from participants when the organisation has received funding for carrying out the training. In **Estonia**, changes in tax laws affecting NGO funding from other sources between 2011 and 2016 were related to the adopted changes in § 11 of the Income Tax Act²⁰ (Tulumaksuseadus) (effective as of 1 January 2015). Previously, the procedure for granting tax incentives to NGOs was unnecessarily complex, and the boundaries set by the decision-makers were blurred. The changes of the Income Tax Act has made applying for income tax incentives clearer, faster and less bureaucratic for NGOs.” (p. 31)

“Individual and corporate donors have taken a more active role in countries where the tax percentage rule allows for donations to CSOs (the Czech Republic, **Estonia**, Germany, Hungary, the Netherlands, Poland, Romania, Slovakia and Spain).” (p. 31)

“In **Estonia** and Poland, a specific amount of public government funding is dedicated to the promotion of advocacy and litigation activities. **Estonia** has previously funded such projects. For example, in 2014, in its third round of applications via the Open **Estonia** Foundation (Avatud Eesti Fond), six projects aiming to increase NGOs’ advocacy capacity were funded. Since October 2016, 25 NGOs have been participating in a two-year advocacy programme (Huvikaitselabor) that aims to support NGOs in setting targets and implementing advocacy activities.” (p. 32)

“In **Estonia**, a ‘Good Practice of Involvement’ (GPI) was created. This is a non-binding partnership and cooperation document that recommends that ministries and other administrative agencies involve stakeholders (interest groups affected by the planned change) in the preparation of strategic documents – for example, drafts of laws, regulations and directives, decrees, EU legislation, conventions and international agreements, etc. It is based on the Rules for Good Legislative Practice and Legislative Drafting regulation.” (p. 41)

Second European Union Minorities and Discrimination Survey - Main results (December 2017)

<https://fra.europa.eu/en/publication/2017/second-european-union-minorities-and-discrimination-survey-main-results>

A country sheet with the results for **Estonia** is available at:

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-eu-midis-ii-summary-results-country-sheet-estonia_en.pdf (also annexed to this submission)