

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

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## Data Explorers and tools

### Violence against women survey data explorer

<http://fra.europa.eu/DVS/DVT/vaw.php> (data included on all EU Member States)

### Roma survey data explorer

<http://fra.europa.eu/DVS/DVT/roma.php> (Slovenia NOT included)

## **Jewish people's experiences and perceptions of hate crime, discrimination and anti-Semitism**

<http://fra.europa.eu/DVS/DVT/as2013.php> (Slovenia NOT included)

## **EU LGBT survey data explorer**

<http://fra.europa.eu/DVS/DVT/lgbt.php> (data included on all EU Member States)

## **Violence against women: an EU-wide survey. Main results report (March 2014)**

[http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results_en.pdf)

## **Fundamental rights: challenges and achievements in 2014 - Annual Report 2014 (June 2015)**

(Specific link only available as of 25 June 2015, <http://fra.europa.eu/en>)

### **1. Equality and non-discrimination**

[Using the targeted investment of EU funds to foster social inclusion] “Member States also took steps to begin training staff involved in the management and control of ESIF on EU anti-discrimination law and policy, in line with the second conditionality. This happened in Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, **Estonia**, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden.” (p. 31)

#### 4. Asylum, borders, immigration and integration

[4.6 EU Member State measures promoting inclusive societies] “However, turning from policy to practice, fewer Member States adopted and implemented concrete measures, such as training for public officials and civil servants dealing with migrants. Austria, Croatia, the Czech Republic, Germany, Greece, Hungary, Ireland, Italy, Latvia, Malta, the Netherlands and Slovenia did so. Bulgaria, Estonia, Poland and Portugal have recently adopted such policies and are planning measures for 2015 and beyond.” (p.96)

“However, in the last year, 12 Member States (Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Lithuania, Poland, Portugal, Romania, Sweden and the United Kingdom) have not implemented any concrete measure for migrant integration and inclusion targeting the general population.” (p.96)

[4.8 Empowering migrants in their path to participation] “A majority of Member States (Belgium, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Slovenia, Sweden, Spain and the United Kingdom) have granted third-country nationals the right to vote in local elections, for all or some selected nationalities.” (p.99)

#### 5. Information society, privacy and data protection

[5.1.3 Member States] “In other EU Member States, non-parliamentarian bodies also raised concerns. In Estonia, for instance, it was the Chancellor of Justice (the ombudsperson) who reacted, by initiating a legislative amendment to clarify his oversight powers over the intelligence services. The government opposed his proposal, introducing several amendments to the bill to curb the chancellor’s oversight powers in this area. The parliament adopted the amendments in December, explicitly recognising that the Chancellor of Justice has the power to investigate complaints made against the intelligence services. However, as the government requested, he does not have the power to access certain types of state secrets and classified foreign information. This exemplifies the difficulties and hurdles in organising oversight mechanisms meant to control intelligence services within the EU.” (p. 109)

#### 6 Rights of the Child

[6.2 Protection of children, including against violence] “Estonia also adopted a new Child Protection Act in November 2014. NGOs working on children’s rights strongly supported the new law, seeing it as a substantial step forward in the protection of children’s rights. Several NGOs, however, have said that the new legislation disproportionately limits the right to privacy and family life, as Article 33 empowers social workers and police officers to remove a child from the home for up to 72 hours without court permission if they believe the child is in danger. The government views the 72-hour limitation as a better guarantee of the rights of the child since, under the previous law, the court had to be informed “without delay”, which in practice could mean more than 72 hours.” (p.133)

#### 7. Access to justice, including rights of crime victims

[7.2 EU and Member States progress on the Roadmap on procedural rights in criminal proceedings] “The EU Member States that proposed or adopted new legislation or amended existing laws with a view to transposing the Directive on the right to information (Denmark is not taking part) in 2014 included Cyprus, the Czech Republic, Estonia, Finland, France, Hungary, Italy, Luxembourg, Malta, the Netherlands, Slovenia, Spain and Sweden.” (p. 148)

[7.3.2 Building up services and support for victims of crime] [Ensuring convicted criminals contribute to the funding of victim support services] “As part of its implementation of the Victims’ Directive, the

Finnish parliament passed a government bill introducing a ‘victim surcharge’ in March 2015. Several other Member States are adopting or have already adopted similar schemes, including Belgium, Denmark, Estonia, France, Lithuania, Poland, Portugal, Sweden and the United Kingdom.” (p.153)

[7.4.1 Measures to combat violence against women at Member State level] “As of January 2015, seven Member States had legislation in force implementing the EPO [European Protection Order] (Austria, Estonia, Germany, Hungary, Malta, Spain and the United Kingdom) and 15 Member States had draft legislation at various stages of the legislative process.” (p.154)

## 8. EU Charter of Fundamental Rights and its use by Member States

[8.2.1. Assessment of fundamental rights compliance of bills] “In Estonia, an explanatory letter to the Child Protection Bill stated that the act shall be enacted in accordance with, among other things, the Charter.” (p. 170)

[8.2.2. Assessment of fundamental rights impacts] “In Estonia, for instance, the rules for ‘good legislation’ envisage an impact assessment when ‘significant’ impacts are foreseen, such as on economics, security and foreign relations, the environment, regional development or organisation of public administration.” (p. 170)

## Severe labour exploitation: workers moving within or into the European Union (June 2015)

[http://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf)

“At least four Member States (Belgium, Estonia, Germany and Poland) have adopted a broad definition of trafficking.” (p. 37)

“The Estonian Code refers in Article 133 to work carried out under unusual conditions” (p. 37)

“The criminal laws of Croatia, the Czech Republic, Estonia, Italy, Portugal and Slovakia protect *all aliens* (third-country nationals and EU citizens from other EU Member States) *in an irregular situation of residence*” (p. 38)

“In addition, labour inspectorates or similar monitoring authorities in more than 10 Member States can support or even act on behalf of workers in proceedings (the Czech Republic, Estonia, France, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia and Spain).” (p. 85)

## The fundamental rights situation of intersex people – Focus Paper (May 2015)

<http://fra.europa.eu/sites/default/files/fra-2015-focus-04-intersex.pdf>

“In at least 10 EU Member States (Bulgaria, Estonia, Hungary, Italy, Luxembourg, Poland, Portugal, Romania, Spain and Slovakia) the law has an open list of grounds of discrimination. Here, intersex may be included under the protected characteristics or social groups category of ‘other’.” (p. 4)

“There is little information on the existence of medical protocols concerning the treatment of intersex people across the EU. In Austria, Estonia, Spain, Finland, France, Hungary, Ireland, Italy, Luxembourg and the United Kingdom no official, general medical protocol is applied.” (p. 6)

“Sex (re)assignment or sex-related surgery seems to be performed on intersex children, and young people, in at least 21 EU Member States (Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovakia, Spain, Sweden and the United Kingdom). [...] In eight Member States (Austria, Belgium, Bulgaria, the Czech Republic, Estonia, Hungary, Poland and Sweden), the legislation or medical practice requires consent by the legal representative, independently of the child’s ability to decide.” (p. 7)

## **Implementing the United Nations Convention on the Rights of Persons with Disabilities (CRPD). An overview of legal reforms in EU Member States – Focus Paper (May 2015)**

<http://fra.europa.eu/sites/default/files/fra-2015-focus-05-2015-crpd.pdf>

“Other countries, including Bulgaria, Croatia, Estonia, Lithuania and Slovakia, adopted strategies for the implementation of specific rights set out in the CRPD. These action plans often complement more general policy documents.” (p. 6)

“Taking a broader approach, the Estonian Code of Practice for Good Engagement establishes that government authorities must include interest groups who will be affected by any planned laws in the drafting process. In particular, the 2012 Cooperation Memorandum between the Estonian government and DPOs improves the involvement of people with disabilities in public decision-making processes.” (p. 7)

“Steps have also been taken to broaden access to sign language interpretation: in Denmark, Estonia, Spain and Sweden, for example, sign language has been recognised as an official language since CRPD ratification.” (p. 9)

## **Child-friendly justice – Perspectives and experiences of professionals on children’s participation in civil and criminal judicial proceedings in 10 EU Member States (May 2015)**

[http://fra.europa.eu/sites/default/files/fra-2015-child-friendly-justice-professionals\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2015-child-friendly-justice-professionals_en.pdf)

### **1. Right to be heard**

“Courts in Estonia, for example, may involve child protection experts in the questioning of any child under the age of 14.” (p. 18)

“Aside from the specialised courts in Croatia, France, Germany, Romania and Spain, a number of countries have certain departments that require additional training, such as the special police units in Estonia, France and Spain or the special unit dealing with children within the Estonian prosecution services.” (p. 19)

“Legal aid is available to child witnesses in Bulgaria, Croatia, Estonia, Germany, Romania and Spain.” (p. 21)

“In the United Kingdom, using live video links is standard practice when hearing children under the age of 16, and it is an option in Croatia, Estonia, Germany and Romania.” (p. 32)

“At the time of the research, evidence provided through video recordings was admissible in family law proceedings only in Croatia, Estonia, Poland and the United Kingdom (England and Wales).” (p. 41)

“Only Estonia, France and Scotland make the right to legal aid available to all children regardless of their role in the proceedings.” (p. 42)

“Parents are excluded from hearings by law in Germany and typically by practice in Croatia, Estonia, Poland and Spain.” (p. 45)

## 2. Criminal proceedings

“Professionals in the criminal justice field refer to children older than 12 in Scotland, older than 14 in Germany and Estonia, and older than 15 in Finland.” (p. 72)

## 3. Right to protection and privacy

“In Estonia, a complex set of procedural safeguards has been put in place to ensure the protection of children participating in criminal proceedings.” (p. 78)

“In Estonia, court documents available to the public (including on the court’s website) do not publish a child’s identifying details, referring to a child only by his/her initials.” (p. 81)

“Legislation in Croatia, Estonia, Germany, Poland, Romania and in some cases in France allows the option of the public to be excluded in a closed hearing.” (p. 82)

## 4. Right to non-discrimination

“Respondents in Estonia, Finland and Poland suggested that many buildings, such as police stations, are not accessible to persons with physical disabilities.” (p. 88)

“In Estonia, an expert social worker, child protection officer or psychologist must be present when investigating authorities interview child victims and witnesses with speech impairments, learning disabilities or other mental health problems.” (p. 89)

## 5. The principle of best interests of the child

“Despite legally acknowledging the concept, Estonia, France and Croatia have not developed specific criteria to determine the best interests of the child.” (p. 95)

## 6. Training of professionals

“Estonia, Finland and Germany offer regular training through police departments. The Police and Border Control Board (Politsei- ja Piirivalveamet) in Estonia provides regular training sessions to both legal and social professionals in the criminal field.” (p. 99)

“The financial recession forced cuts in the Estonian budget for training programmes, even though participation often depends on whether the professional can take part free of charge.” (p. 101)

## 7. Multidisciplinary cooperation

“In the civil field in Estonia, training courses are sometimes organised to bring together different groups of experts, both legal and social, and networking is considered an important element.” (p. 114)

## Victims of crime in the EU: the extent and nature of support for victims (January 2015)

[http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf)

[1.Development of victims' rights – origins of victim support at Member State level] “Figure 1: Year of origin of generic victim support services [Estonia's generic victim support services originated in 1994]” (p. 21)

“Figure 2: Year of first national legislation referring to the rights and/or support and protection of victims of crime in EU Member States [Estonia's first legislation on this was in the 1990s]” (p. 23)

“The analysis, which covers 10 EU Member States, shows that child victims are subject to a means-test in Bulgaria, Estonia, France, Poland and Romania.” (p. 42)

“Ensuring that victims, especially certain categories of victims considered particularly vulnerable, such as children, actually understand information concerning complex criminal proceedings is also important. It is considered good practice in Estonia, for example, for professionals to meet with the child a day or two before a hearing to introduce him or her to the building, rooms and colleagues working in the police department.” (p. 50)

“The state is also the main victim support service provider in Estonia. Its Social Insurance Board (Sotsiaalkindlustusamet) coordinates the network of victim support services as well as referral mechanisms, cooperating with social workers of local municipalities and local NGOs on a case-by-case basis. Non-state services generally receive project-based funding directly from the Ministry of Social Affairs or through the Council of the Gambling Tax (Hasartmängumaksu nõukogu) in addition to some financial support from the local government. Any such public funding is related to specific activities of the organisations. The NGO Eluliin, for example, provides psychological crisis consultation in Tallinn and receives funding from the Tallinn city government and also from a number of private persons. Some organisations also receive funding through EU projects, such as the NGO Living for Tomorrow or the Estonian Women's Shelters Union (Eesti Naiste Varjupaikade Liit).” (p. 59)

“To date, all effective generic victim support organisations rely on very significant contributions from volunteers, with the noteworthy exception of Estonia.” (p. 63)

## Being Trans in the EU - Comparative analysis of the EU LGBT survey data (December 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-being-trans-eu-comparative_en.pdf)

“Figure 5: Perceived level of discrimination on the grounds of gender identity, by respondents to the 2012 Eurobarometer and the 2012 EU LGBT survey (%) [71% of the fewer than 30 respondents in Estonia felt that discrimination because a person is Transgender in the country they lived was fairly or very widespread]” (p. 26)

“Figure 7: Feeling discriminated against in the last 12 months when looking for a job or at work, by EU Member State (%) [Of the fewer than 30 respondents in Estonia, 29% felt discrimination against when looking for a job and 33% felt discrimination against at work]” (p. 29)

“The amount of respondents on a country level who have never experienced negative comments or conduct at work because of being trans ranges from 73 % in Slovenia to 32 % in Bulgaria (and 14% in Estonia where, however, the number of trans respondents available for the analysis is small)” (p. 34)

“Figure 35: Prevalence of hate-motivated violence in the last 12 months, by EU Member State (%) [Of the fewer than 30 respondents in **Estonia**, 11% felt that there was a prevalence of hate-motivated violence partly or completely because they were perceived to be trans] (p. 56)

“Figure 47: Avoiding gender expression or certain places for fear of assault, threat or harassment, by EU Member State (%) (age group 25–54) [Of the fewer than 30 respondents in **Estonia**, 31% avoid expressing their gender in public and 38% avoid certain places for fear of being assaulted, threatened or harassed]” (p. 72)

## **EU LGBT survey - European Union lesbian, gay, bisexual and transgender survey - Main results (October 2014)**

[http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results\\_tk3113640enc\\_1.pdf](http://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf)

“At the country level, the percentage of respondents who have felt personally discriminated against because of being LGBT by bank or insurance company personnel in the previous year ranged from 1 % in **Estonia** to 9 % in Malta” (p. 42)

“Figure 58: Respondents indicating that same-sex couples and different-sex couples holding hands in public is ‘very widespread’, by country (%) [65% of respondents in **Estonia** felt that heterosexual couples holding hand was very widespread, and 2% said that homosexual couples holding hands was very widespread]” (p. 86)

“Figure 63: Respondents who avoid certain places or locations for fear of being assaulted, threatened or harassed because of being LGBT, by country (%) [55% of respondents in **Estonia**]” (p. 90)

“Figure 65: Possibility to change official documents to match the preferred gender, % of respondents who said ‘Yes, upon fulfilment certain criteria’, by country (%) [67% of respondents in **Estonia**]” (p. 93)

“Figure 74: Respondents who think that positive measures to promote respect for the human rights of lesbian, gay and bisexual people are ‘fairly rare’ or ‘very rare’, by country (%) [78% of respondents in **Estonia**]” (p. 108)

## **Fundamental rights: challenges and achievements in 2013 - Annual report 2013 (June 2014)**

[http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-annual-report-2013-0_en.pdf)

### **1. ASYLUM, IMMIGRATION AND INTEGRATION**

#### **1.3 Member States slow to implement EU law safeguards: the example of effective return-monitoring systems**

“Only 11 of the 19 EU Member States which FRA considers to have effective return-monitoring systems had monitors on board either systematically or occasionally: Austria, the Czech Republic, Denmark, **Estonia**, Hungary, Lithuania, Luxembourg, the Netherlands, Poland, Spain and the United Kingdom.” (p. 47)

### **2. BORDER CONTROL AND VISA POLICY**

#### **2.4. Towards a focus that includes the fundamental right aspects of EU visa policy**

“The Commission considered that the Czech Republic, Estonia, Finland, Hungary, Poland and Slovakia are not compliant with Article 47 of the Charter combined with the relevant articles of the Visa Code, as these Member States do not provide access to a judicial body.” (p. 70)

## 4. THE RIGHTS OF THE CHILD AND THE PROTECTION OF CHILDREN

### 4.2 Europe tackles violence against children

“During the last five years, nine Member States have received recommendations to prohibit corporal punishment in the Universal Periodic Review carried out by the UN Human Rights Council: Belgium, Estonia, Ireland, Italy, Lithuania, Malta, Slovakia, Slovenia and the United Kingdom.” (p. 106)

### 4.3. Europe takes aim at child poverty

The Statistics Office of Estonia published, in its blog, data on relative poverty to show that every sixth child in Estonia was living below the relative poverty line and one child in 11 was below the absolute poverty line or in deep material deprivation in 2011. According to this information, there have been no significant changes in the percentages since 2007.” (p.114)

[Child poverty and education] “Cuts of more than 5 % were observed in Croatia, Cyprus, Greece, Hungary, Italy, Latvia, Lithuania, Portugal, Romania and the United Kingdom (Wales), whereas decreases between 1 % and 5 % were seen in Belgium (French Community), Bulgaria, the Czech Republic, Estonia, France, Ireland, Poland, Slovakia, Slovenia, Spain and the United Kingdom (Scotland).” (p. 115)

## 5. EQUALITY AND NON-DISCRIMINATION

### 5.2 Discrimination on all grounds persists in the EU

“Most complaints reported to the equality body in Estonia related to discrimination on the ground of sex. In addition, discrimination against pregnant women and parents is considered direct discrimination on the grounds of sex in Estonia.”

### 5.4 Member States adopt measures to counter discrimination

“Estonia and Finland organised campaigns promoting diversity and equality.” (p. 134)

[Countering discrimination on the ground of disability] “New legislation was either adopted or presented in draft in Austria, Belgium, Estonia, Hungary, Italy, Latvia, the Netherlands, Portugal and the United Kingdom.” (p. 135)

## 7. ROMA INTEGRATION

### 7.2. Member States begin implementation of national Roma integration strategies

“In Estonia, an informal working group was established to collect data and information on Roma and to raise public awareness of Roma culture.” (p. 172)

## 8. ACCESS TO JUSTICE AND JUDICIAL COOPERATION

### 8.2. Member States reform court procedures to facilitate access to justice

“In Estonia, individuals increasingly made use in 2013 of the existing online tool ‘public e-file’ to initiate court proceedings. One of the system’s advantages was the lower court fees for civil court proceedings initiated through the e-file system. The Supreme Court, however, held this to be discriminatory and declared the relevant parts of the law on court fees unconstitutional.” (p. 200)

## 9. RIGHTS OF CRIME VICTIMS

### 9.5. Member States address rights of victims of trafficking and severe forms of labour exploitation

“Compensation was extended to victims of trafficking in several Member States, in line with Directive 2011/36/EU, including Austria, **Estonia**, Greece, Latvia and Luxembourg.” (p. 222)

“Amendments to **Estonia**’s Victim Support Act also provide for victims’ – and on some occasions their relatives’ – access to victim support, social services and state compensation, in addition to creating a preliminary measure allowing victims of trafficking to stay and settle in Estonia.” (p. 222)

## The right to political participation for persons with disabilities: human rights indicators (May 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-right-political-participation-persons-disabilities_en.pdf)

[Has the CRPD been ratified without a reservation or declaration to Article 12 on equal recognition before the law?] “Of the EU Member States that have ratified the CRPD, **Estonia**, France and Poland have entered a declaration to Article 12. These declarations provide that they will implement Article 12 in accordance with their respective national legislation, which in each case allows restrictions on the right to vote of persons deprived of legal capacity.” (p. 36)

“**Estonia**’s declaration sets out that, in its view, Article 12 does not prevent restricting a person’s legal capacity “when such need arises from the person’s ability to understand and direct his or her actions” (p. 36-37)

## Criminalisation of migrants in an irregular situation and of persons engaging with them (March 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-0\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-0_en_0.pdf)

[Irregular entry] “Legislation in 17 Member States [including **Estonia**] punishes irregular entry with imprisonment and/or a fine.”(p. 4)

“As Figure 4 illustrates, legislation in 13 Member States does not require a profit motive for facilitation of irregular stay to be punished. This includes **Estonia** and Lithuania, where the provision of housing alone is punishable.” (p. 11)

“Croatia, Denmark and Greece punish facilitation of stay with a fine and/or imprisonment, and **Estonia**, Latvia, Lithuania, Romania and Slovenia with a fine.” (p. 11)

## Violence against women: an EU-wide survey. Main results report (March 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf)

### 5. Stalking

“Examining the results separately for the EU Member States, the 12-month prevalence of stalking is seen to be highest in Sweden (9 %), France (8 %) and Luxembourg (7 %), and lowest in Lithuania (close to 0 %) and **Estonia** (1 %)” (p. 83)

“On the other hand [compared to other Member States with a higher police report rate], according to victims in Greece, the police either were notified or otherwise became aware of the most serious case of stalking in 8 % of cases, followed by 10 % in **Estonia** and 15 % in both Cyprus and Hungary.” (p. 91)

#### 7. Experience of violence in childhood

“In **Estonia** and Finland, which show the highest overall prevalence of violence in childhood, rates of sexual abuse are slightly below average.” (p. 122)

“Estonia, which had not explicitly banned corporal punishment by 2011 according to the report of the Working Group on the Universal Periodic Review for **Estonia**, has the second highest prevalence rate of childhood experiences of physical violence (43%) but low media coverage of the issue during fieldwork.” (p. 124)

“Coverage of violent crimes against women in general was low in the media in Bulgaria, Portugal and Romania – where attention was focused on reports about the ongoing economic crisis and political struggles – and also in Cyprus, **Estonia**, Latvia and Malta and to some extent in the Czech Republic.” (p. 126-7)

#### 9. Attitudes and awareness

“A majority of women in Croatia (70 %), Lithuania (66 %), Slovenia (62 %), Sweden and France (both 61 %), but a minority of women in **Estonia** (27 %), Bulgaria (28 %) and Italy (34 %) are aware of specific laws and political initiatives that focus on prevention.” (p. 160)

## Access to data protection remedies in EU Member States (January 2014)

[http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2014-access-data-protection-remedies_en_0.pdf)

### 2. Data protection remedies at national level

“The most common course of action taken by DPAs [Data Protection Authority] is issuing a fine or pecuniary sanction, as reported in 19 EU Member States. For example, the DPA in Cyprus issued fines in 20 cases between 2009 and 2011. During the same time period, the Spain’s DPA issued 1715 fines, Czech Republic’s DPA issued 279 fines, **Estonia**’s issued 101, Latvia’s 63, Romania’s 148, Slovakia’s 45, Sweden’s two and the United Kingdom’s nine.” (p. 21)

“For those imprisoned, the majority of EU Member States enforce a maximum determinate sentence, most of which fall between six months (Croatia and Malta) and five years (Cyprus, France, Slovenia and Latvia). Within this range fall Belgium (two years), **Estonia** (one year), Finland (one year), Germany (two years), Hungary (three years), Luxembourg (one year), Poland (three years), Portugal (four years), Slovakia (three years) and Sweden (two years).” (p. 22)

## Legal capacity of persons with intellectual disabilities and persons with mental health problems (July 2013)

<http://fra.europa.eu/sites/default/files/legal-capacity-intellectual-disabilities-mental-health-problems.pdf>

### 2. The right to legal capacity in EU Member States

“The term ‘curatorship’ appears to be used in **Estonia**, France, Luxembourg, Portugal and Spain to refer to various systems of partial restriction of legal capacity, and systems under which the legal

representative can make legally binding decisions only with the agreement or consent of the person concerned.” (p. 29)

“Another example [of requiring that the condition which may lead to legal incapacity must be of a ‘permanent’ nature] is **Estonia**, where legislation requires three conditions to be met: the person is an adult; has a mental illness or mental health problem; and is “persistently unable to understand the meaning of or to direct his or her actions”. (p. 32-33)

“FRA research shows that the person under guardianship can appeal the decision affecting his or her legal capacity in many EU Member States, for example Austria, the Czech Republic, Denmark, **Estonia**, Finland, France, Germany, Greece, Hungary, Italy, Luxembourg, Poland, Spain, Sweden and the United Kingdom. In those Member States, the person under guardianship, as well as other persons ‘involved’ in the procedure, can also appeal the deprivation of legal capacity.” (p. 39)

## **Fundamental rights: challenges and achievements in 2012 (June 2013)**

[http://fra.europa.eu/sites/default/files/annual-report-2012\\_en.pdf](http://fra.europa.eu/sites/default/files/annual-report-2012_en.pdf)

### 1. ASYLUM, IMMIGRATION AND INTEGRATION

“While not all EU Member States may experience situations of particularly exploitative working conditions to the same degree, of the eight EU Member States that provided information on the number of residence permits issued to victims of particularly exploitative working conditions in 2012 (Austria, the Czech Republic, **Estonia**, Greece, Hungary, Latvia, Slovenia and Slovakia), only Austria actually issued such permits, providing them to one man and eight women.” (p. 48)

[Establishment of effective monitoring systems in 2012] “In **Estonia**, following an agreement with the Red Cross made in 2011, return monitoring became operational.” (p. 55)

“Of the 15 Member States where FRA considers that effective monitoring systems are in place, only seven (Austria, Belgium, Czech Republic, Denmark, **Estonia**, Luxembourg and the United Kingdom) monitored a return flight in 2012, while monitoring in the other Member States remained limited to the pre-departure process.” (p. 56)

“Eight EU Member States (Austria, the Czech Republic, **Estonia**, Germany, Ireland, the Netherlands, Romania and Sweden have developed indicators to monitor integration and Finland is introducing them.” (p. 64)

### 2. BORDER CONTROL AND VISA POLICY

[Automated Border Control (ABC)] “Austria, Belgium, Denmark, **Estonia**, Hungary, Latvia and Romania plan to introduce ABC gates at the airports in their respective capitals.” (p. 84)

“Procedures adopted in **Estonia** illustrate how this can be done effectively in practice. **Estonian** embassies make available information material on VIS. When registering an application, the consular officer explains to the applicant why fingerprinting is a requirement. The officer ensures that it is possible to take all 10 fingerprints. The prints and their quality are then shown on the computer screen to both the official and the applicant. If the quality is poor, then the applicant is asked for another imprint.” (p. 91)

#### 4. THE RIGHTS OF THE CHILD AND PROTECTION OF CHILDREN

“*Vihjeliin* is a free online service of the Estonian Union for Child Welfare, which enables internet users to report illegal content online, such as sexual abuse or exploitation of children and child trafficking.” (p. 121)

“Estonia enacted a law criminalising trafficking in March 2012.” (p. 124)

#### 5. EQUALITY AND NON-DISCRIMINATION

[Key developments: European aspects] “Five EU Member States (Bulgaria, Estonia, Greece, Malta and Poland) ratified the CRPD in 2012, bringing the total ratifications to 24 EU Member States and Croatia, among which 19 have also ratified its Optional Protocol.” (p. 140)

“In Estonia, the Ministry of Social Affairs published a handbook including guidelines on how to improve the accessibility of buildings and other facilities for persons with disabilities and older people” (p. 153)

[Discrimination on the grounds of sexual orientation and gender identity] “In Estonia, a bill was introduced which envisages an amendment to the Penal Code (*Karistusseadustik*) that would allow hate motivation to be an aggravating circumstance for a crime and would include sexual orientation and gender identity as protected grounds.” (p. 154)

“In Estonia, a claim submitted to the Chancellor of Justice (*Õiguskantsler*) is under assessment. It concerns the current Aliens Act (*Välismaalaste seadus*) with respect to the alleged unequal treatment of same-sex partners of Estonian citizens. The applicant said that the Aliens Act does not list the existence of a long-term same-sex registered partnership with an Estonian citizen as among the grounds for issuing a temporary residence permit, putting it in conflict with Article 27 of the Constitution of the Republic of Estonia (*Eesti Vabariigi Põhiseadus*), as well as with the Citizen of European Union Act (*Euroopa Liidu kodaniku seadus*) and relevant provisions of the ECHR.” (p. 156)

[Discrimination on the grounds of sex] “Estonia and Finland, introduced ‘softer’ measures in the context of their national action plans in the area of equality, including raising awareness, analysing the gender pay gap as well as the effects of taxation and transfer payments on the economic equality of women and men.” (p. 160)

“The gender pay gap can also result in poverty for older women. In June 2012, Estonia adopted legislative measures which aim to compensate a parent’s decrease in future pension due to child rearing. Since women are more likely to take parental leave than men, this measure is expected to particularly improve women’s future pensions.” (p. 160)

#### 6. RACISM AND ETHNIC DISCRIMINATION

“Changes in the approach to racist, xenophobic and related crimes included: enhancing penalties for crimes motivated by such biases (Belgium, and the United Kingdom); moves to begin legally recognising bias motivations as aggravating factors (Cyprus, and Estonia); or, ensuring that the criminal code better recognises crimes motivated by racism, xenophobia and related intolerances (Bulgaria, Malta, and Croatia)” (p. 180)

#### 7. PARTICIPATION OF EU CITIZENS IN THE UNION’S DEMOCRATIC FUNCTIONING

“Figure 7.1: Offices which non-national EU citizens may hold in local government units [In Estonia, this applies to Head, deputy and member of the executive committee]” (p. 215)

“In **Estonia**, where e-voting has been in place since 2002, amendments to all relevant electoral laws were adopted in October 2012. Their main aim was to further regulate electronic voting and in particular to establish a specific electronic voting committee, the function of which is to prepare and organise the e-voting, to solve any issues hindering e-voting procedure and to verify e-voting results.” (p. 219)

## 8. ACCESS TO EFFICIENT AND INDEPENDENT JUSTICE

“**Estonia**, among others, introduced simplified procedures, such as hearing witnesses by telephone or through written statements, rather than requiring them to appear in court, avoiding the resulting delays if they failed to appear. Such procedures are allowed in criminal cases if the accused and the prosecutor have agreed on how the case should be concluded.” (p. 240)

## 9. RIGHTS OF CRIME VICTIMS

“Measures are also under way in **Estonia** to simplify the procedure for victims seeking compensation for damages, and the Ministry of Justice (*Justiitsministeerium*) has said it intends to amend the Criminal Procedure Act (*Kriminaalmenetluse seadustik*). The draft law attempts to address the concerns revealed by a University of Tartu study on victims and witnesses in criminal procedures conducted in 2011.” (p. 262)

## Access to justice in cases of discrimination in the EU – Steps to further equality (Dec 2012)

<http://fra.europa.eu/sites/default/files/fra-2012-access-to-justice-social.pdf>

“Table A1: Equality bodies at national level (members of Equinet), by mandate and ‘predominant type’ (quasi-judicial or promotion) [The Gender Equality and Equal Treatment Commissioner or *Soolise võrdõiguslikkuse ja võrdse kohtlemise volini* operates in **Estonia**, but information was not available on its grounds of discrimination]” (p. 65)

## Making hate crime visible in the European Union: acknowledging victims' rights (Nov 2012)

[http://fra.europa.eu/sites/default/files/fra-2012\\_hate-crime.pdf](http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf)

[4. The visibility of hate crime: official data collection in the European Union] “Thirteen EU Member States can be said to operate limited data collection mechanisms pertaining to hate crime: Bulgaria, Cyprus, **Estonia**, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, Portugal, Slovenia and Spain.” (p. 36)

“Official statistics in **Estonia** relate to a limited number of offences that are not directly related to hate crime. The Ministry of Justice records these offences under the heading of crimes against civil and political rights: incitement to hatred; violations of equality; discrimination based on genetic information; and violations of freedom of religion.” (p. 37)

## Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)

[http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems\\_en.pdf](http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems_en.pdf)

[Criteria for involuntary placement and involuntary treatment] “In 12 Member States, the existence of a significant risk of serious harm to oneself or others and a confirmed mental health problem are the two main conditions justifying involuntary placement. The need for a therapeutic purpose is not explicitly stipulated. This is the case, in Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Germany, **Estonia**, Hungary, Lithuania, Luxembourg, Malta and the Netherlands.” (p. 31)

[Qualification and number of experts involved in the assessment] “In nine EU Member States one expert opinion issued by a medical professional fulfils the legal requirement concerning the assessment of an individual’s psychiatric condition. This is the case in Belgium, Bulgaria, the Czech Republic, Germany, Denmark, **Estonia**, Luxembourg, Netherlands and Poland.” (p. 35)

[Authorities or persons authorised to decide on termination of the measure] “In another group of EU Member States, only non-medical authorities can decide on the termination of involuntary placement. In the case of Bulgaria and **Estonia**, for example, this is the court.” (p. 38)