



Estonia



Estonia continued to make progress towards greater legal and social recognition of LGBTI people. Legislation providing protection against hate crime and hate speech on the grounds of sexual orientation and gender identity was initiated by the Ministry of Justice, while promising declarations were made towards the introduction of legislation recognising same-sex couples for the first time. A number of civil society-led initiatives in the field of education and employment launched this year are proving to instigate changes in practice.

Bias motivated speech

- In July, the Ministry of Justice initiated a process to amend sections 151 and 152 of the *Penal Code* (incitement of hatred and violation of equality respectively). The amendment was initiated in light of the *European Council Framework Decision 2008/913/JHA*. Once adopted, these changes are expected to make the *Penal Code* provide greater protection in cases of hate speech. The bill is expected to be discussed in Parliament during 2013.

Bias motivated violence

- In July, The Ministry of Justice started the process of amending section 58 of the *Penal Code* (aggravating circumstances). Commission of an offence motivated by hostility/hatred towards the victim due to their sexual orientation or gender identity has been added to the bill as an aggravating circumstance. The bill will probably come before Parliament in 2013.
- ILGA-Europe collected information on four hate crimes perpetrated during the year. These crimes included homophobic assaults and physical violence against gay men, as well as harassment and direct threats of physical violence against a lesbian couple. This information was collected as part of documentation activities in preparation of the OSCE/ODIHR's annual hate crime report, to be published in November 2013.

Education

- In May, the Estonian LGBT Association started a teacher-training programme and organised four training sessions on sexual orientation, tolerance and bullying. This programme is the first of its kind in Estonia. Sixty teachers participated in the training sessions. The programme is expected to continue in 2013.

Employment

- In November, the Estonian Human Rights Centre introduced a diversity charter for companies. The companies that sign the charter, among other things, promise to pursue a staffing policy which ensures the optimum use and equal treatment of all employees,

avoiding discrimination on the basis of gender and sexual orientation.

- Seventeen companies signed the charter during 2012. All of the companies are provided with advice and training on equal treatment in the workplace.

Equality and non-discrimination

- In February, the Estonian Human Rights Roundtable was set up to bring together NGOs working in the field of human rights in Estonia. The purpose of the roundtable is to develop the field of human rights, improve communication among the organisations and find possibilities for cooperation as well as joint human rights advocacy activities. Four roundtables were held during the year, resulting in a joint statement to the Prime Minister of Estonia asking for explanations in a variety of human rights fields, especially with regard to Estonia's becoming a member of the UN Human Rights Council.
- In September, President Toomas Hendrik Ilves met with Judy and Dennis Shepard, the parents of Matthew Shepard who was killed in a bias motivated attack in 1998. The parents of Matthew Shepard travel around the world to highlight the importance of human rights for all, and the meeting with the Estonian President received a lot of media attention.

Family

- In April, an administrative court in Estonia ruled against a decision by the local authority of Harju County that had refused to issue a civil status certificate to a gay Estonian citizen who intended to enter into a marriage abroad. The court concluded that Harju County Government did not have the legal competence to issue the certificate under the *Family Law Act* as it had considered doing, since a certificate of no impediment is regulated under the *Civil Status Act* instead. Harju County Government was asked to review the application for a civil status certificate and it then refused to issue the civil status certificate under the *Civil Status Act* in June. In October, the decision was brought before the court again, and the court concluded that the refusal had been correct and the case was lost.

- In August, the Postimees newspaper reported Estonia's Gender Equality Commissioner, Mari-Liis Sepper's call for more comprehensive rights for sexual minorities and other vulnerable groups, stating that "It is extremely important that the state, in legislating the rights of same-sex couples to family life, send out a signal to society: that you are citizens equal in standing, with rights. Your family and children are just as valuable to Estonia as any other families," and that, "This will also hopefully reduce conflicts and ostracism experienced from their closest relatives-parents and grandparents."
- In August, the Chancellor of Justice started a procedure on assessing whether the *Aliens Act* complies with the *Constitution* after receiving an application from a person whose same-sex partner could not apply for a residence permit in Estonia. The *Aliens Act* only allows spouses to apply for a residence permit, not cohabiting partners (regardless of gender). However, since same-sex partners cannot get married, the Chancellor has expressed the view that it might be possible that an exception is needed for same-sex couples as regards the *Aliens Act*. The Chancellor sent a request for information to the Ministry of Internal Affairs who stated that there is no contradiction between the *Aliens Act* and the *Constitution* and that the principal of equal treatment has not been violated. The Chancellor of Justice has not yet reached a final decision.
- In August, the Ministry of Foreign Affairs granted the registered partners of US diplomats the same rights as the spouses of US diplomats. This is probably the first time that Estonia has officially recognised same-sex registered partners. However, this agreement is not two-way as Estonian diplomats do not enjoy the same rights in the United States.
- In August, the Ministry of Justice introduced a proposal for a *Cohabitation Law*. The bill concerns gender neutral cohabitation, and would thus extend legal protection to de facto same-sex partners.
- At the end of the year an official working on the cohabitation bill at the Ministry of Justice stated that the Minister of Justice had decided on three priorities for 2013. These are cohabitation of different-sex couples,

rights of children who are living in families with unmarried different-sex couples and finally "other forms" of cohabitation i.e. same-sex couples. This last issue will only be dealt with if there is enough time for it after the first two have been resolved. The official, who is supposed to work on these three issues alone during 2013, said there is no possibility that there will be time to work on the law of same-sex cohabitation.

Foreign policy

- In November, Estonia was elected to be a member of the UN Human Rights Council from 2013-2015. Estonia's candidacy received support from 184 countries, with five abstentions. As a member of the UN Human Rights Council, Estonia is also prioritising the topic of LGBT rights.

Public opinion

- In October, a public opinion poll on LGBT issues in Estonia was launched. The survey was commissioned by the Ministry of Social Affairs from Tallinn University of Technology Law School and prepared by Turu-uuringute AS on the basis of the results of the corresponding module of omnibus surveys conducted in June 2012. The survey showed that 34% of the respondents found homosexuality completely unacceptable, and only 10% found it completely acceptable. They also showed that the opinion on whether same-sex couples should be able to have their partnerships recognised dramatically differs from north Estonia (where over 60% disagree and less than 30% agree) to south Estonia (where less than 60% disagree and over 30% agree). The same survey also showed that 61% recognise that "a person born as a man can feel that they are female and vice versa – that a person born as a woman can feel that they are male."
- According to Eurobarometer 2012, 32% of Estonians believe sexual orientation discrimination is widespread. This is slightly below the EU27 average (46%). 22% believe gender identity discrimination is widespread. This is significantly below the EU27 average (45%). Estonians scored 4.7 on a scale from 1 ('totally uncomfortable') to 10 ('totally comfortable') when asked how comfortable they would feel with an LGB individual in the highest elected

political position in their country. This is slightly below the EU27 average (6.6). Estonians scored 4.3 on a similar scale when asked about a transgender/transsexual person in the highest elected political position in their country. This is slightly below the EU average (5.7).

Member organisations of ILGA-Europe

AIDS-i Tugikeskus (AIDS Information & Support Center)
www.tugikeskus.ee

Eesti Nahkmeeste Klubi
www.lmc-estonia.visionhb.se

Estonian AIDS Prevention Centre
www.aids.ee

Estonian LGBT Association
www.egn.ee

Gei ja lesbi infokeskus (Estonian Gay League)
www.lgbt.ee